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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 3.10 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1997/65)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 17) (continued) (E/CN.4/1997/82 and 83; E/CN.4/Sub.2/1996/2 and 28; A/51/536)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 19) (continued) (E/CN.4/1997/91 and Add.1; E/CN.4/1997/NGO/19; A/51/542/Add.1 and Add.2)

1. Mr. TARAN (Commission of the Churches on International Affairs of the World Council of Churches) said that the World Council was concerned that violence against migrants had reached the proportions of a global epidemic and that the expression of xenophobic and racist sentiments against migrants and other foreigners, making them scapegoats for rising unemployment, crime and a host of other social ills, had entered mainstream political and public discourse. Of particular concern was the widespread official adoption of the term "illegal migrant", which criminalized and dehumanized human beings. The term should be avoided by both States and other bodies. Christians - and people of all religions - should protest, when xenophobia became the accepted basis for public legislation.

2. Officials of some Governments excused their inaction by pointing to the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had so far received 10 of the 20 ratifications it needed to enter into force. No concerted international effort had been made to publicize the Convention and even its text had until recently been hard to obtain. His organization thus welcomed the recent accessions to the Convention of Bosnia and Herzegovina and Sri Lanka and the fact that legislation to ratify it had been introduced in several Latin American countries, largely due to the efforts of the International Migrants Rights Watch Committee and other non-governmental organizations (NGOs). A concerted international campaign to bring the Convention into force should be mounted, beginning with a wide distribution of the Centre for Human Rights Fact Sheet on the Rights of Migrant Workers.

3. Mr. WONG (International Association for the Defence of Religious Liberty) said that Christian minorities were being severely persecuted in various parts of the world. The Government of Iran continued to murder Christian leaders, their latest victim being an Assemblies of God pastor, Mohammed Bagher Yusefi, who was found hanged on 28 September 1996. He had converted to Christianity from Islam and was not the first such convert to be murdered by the Iranian authorities. Moreover, in December 1989, the Rev. Hossein Soodmand had been executed for converting from Islam to Christianity.

4. In Sudan, numerous churches had been destroyed or desecrated by Government agents, especially in the Nuba Mountains. Food aid for displaced people was often offered only to those who bore allegiance to Islam. Many

Christian children had been forced to join the Government militia or to enter Islamic centres in the north of the country, with pressure upon them to convert to Islam. Christian women and children from southern Sudan and the Nuba areas had been enslaved and some had even been sold abroad as slaves. Since the Sudanese Government's brand of extremism was repulsive to many Muslims, moderate Muslims, too, had been persecuted and their mosques destroyed.

5. In China, since January 1996, churches had been required to register with the official religious organizations, which brought them under Government control. That had resulted in the forced closure of many unregistered churches throughout China, 300 of them in Shanghai alone. At least three Christians had been beaten to death by the police in 1996.

6. His Association urged the Commission to put pressure on the Governments of Iran, Sudan and China to end their persecution of Christians and to send a fact-finding team to Iran to conduct an independent investigation into the murders of church leaders there.

7. Ms. ALI (Afro-Asian People's Solidarity Organization) said that minorities desired above all to preserve their heritage. There was, however, a growing tendency, even on the part of ostensibly democratic States, to try to assimilate minorities. Some States in South Asia used religion as the main instrument of such assimilation, creating an environment in which the minorities felt threatened and gradually changed their behaviour to merge with the majority.

8. That process had already occurred in Pakistan, affecting the Mohajirs, Sindhis, Christians, Ahmadiyahs and Shias, and was spreading to Bangladesh and to India. In Jammu and Kashmir, sectarian groups sought to impose, often violently, a fundamentalist, intolerant ideology on a region known for its harmonious blend of different religious and ethnic communities.

9. Though pluralism was accepted in theory, many States, either deliberately created religious or ethnic xenophobia or tacitly condoned it and needed to be taught that the interests of their own people were better served by creating an environment in which minorities felt protected. That was no easy task, but it would be possible if the international community censured any country where such developments took place.

10. Mr. CHAKMA (Asian Cultural Forum on Development) said that he was concerned to note from the report of the Special Rapporteur on the implementation of the Declaration (E/CN.4/1997/91, para. 10) that the persistent religious intolerance of Governments in the Asia-Pacific region was sometimes directed against persons who testified before United Nations human rights bodies. The Commission must ensure the safety of such persons.

11. In India, discrimination was attributable not to a lack of legal mechanisms, but to the failure to implement them. The Indian Government should take steps to counter religious extremism, taking care that any new legislation did not provide over-zealous law enforcement officials with excuses to persecute religious minorities.

12. Other Asian Governments legally sanctioned the persecution of religious minorities. Bangladesh discriminated against Hindus, and forced the indigenous Jumma peoples to convert to Islam. It also tacitly supported the persecution of those who criticized such discrimination. In Pakistan, State agencies participated actively in the persecution of minorities such as Ahmadis and Christians.

13. Some Member States of the United Nations systematically endeavoured to undermine the promotion and protection of human rights by reducing the resources available to the special rapporteurs. The draft resolution on rationalizing the work of the special procedures system, sponsored by some of the Commission's members from the Asia-Pacific region, was a clear attempt to water down the special procedures of the Commission and reflected the view of some States that attempts to strengthen democratic institutions, the human rights culture and the rule of law threatened their authority. Possibly, of course, the clearly unacceptable information-censorship provisions in the draft resolution constituted a ploy to divert the discussion from substantive issues.

14. Mr. WARIKOO (Himalayan Research and Cultural Foundation) said that the principle of freedom of religion should not be distorted for chauvinistic and political ends. Unfortunately, extremism in some minority communities in South Asia had led to terrorism and ethnic or religious cleansing. The State of Jammu and Kashmir consisted of four geophysical areas, only one of which - the Kashmir Valley - was predominantly Muslim. It had been known through its history for its harmonious blend of many cultures, based on the principles of social harmony and peaceful coexistence, but that had been obliterated by terrorists and mercenaries under the guise of religion.

15. Many groups had suffered at their hands, such as the Kashmiri Pandits, whose ancient civilization was being systematically destroyed, Shia and Gujjar Muslims, the Buddhists of Ladakh and, of course, the Hindus. Even known pro-Pakistan organizations had condemned the nefarious role of those killing religious and political leaders, intellectuals and others in the name of Islam and he urged the Commission to take a resolute stand against the perpetrators of such terrorist crimes.

16. Mr. BIGGAR (Ireland) said that freedom of thought and belief was central to human dignity, as underlined by the fact that, under article 4 of the International Covenant on Civil and Political Rights, it was one of the rights from which no derogation could be made. Yet it continued to be violated in many parts of the world. The extent of the violations varied considerably. Sometimes members of a particular religion were subjected to greater discrimination than others, like the Baha'is in Iran, where other religious minorities suffered but somewhat less.

17. Religious considerations played a growing part in the conflict in the southern part of Sudan, although restrictions on religious freedom, and discrimination on religious grounds, occurred in other parts of the country, too. In Saudi Arabia, religious minorities were prohibited from manifesting their beliefs in public. The situation of religious believers in China also gave cause for concern. In particular, there were clear attempts to undermine the ethnic, cultural and religious identity of Tibet.

18. In many cases, religious considerations served as a motive for discrimination against women, not always on the part of States alone. The capture by Taliban forces of large ~~parts~~ of Afghanistan had led to severe restrictions on women's ability to work and on their access to education and health care. In Algeria, violence by religious extremists was frequently directed at women and girls, who were murdered and mutilated.

19. His delegation supported the conclusions and recommendations contained in the Special Rapporteur's report (E/CN.4/1997/91) on the steps to be taken to promote and protect the scope of freedom of religion or belief, including the right to change religion or to adopt atheistic views. Restrictions on the right to manifest religion or belief were permissible only if they conformed strictly to the criteria set out in article 18, paragraph 3, of the International Covenant on Civil and Political Rights.

20. As the Special Rapporteur rightly said, those considerations applied also to newer religions and to sects; a meaningful distinction could not be made between a religion and a sect. At the same time, members of sects were no more entitled than any other individual to infringe public safety or order, or to violate the fundamental rights or freedoms of others.

21. His delegation would introduce a draft resolution on the elimination of all forms of intolerance based on religion or belief and invited views from all interested delegations with the aim of ensuring that the resolution was adopted by consensus.

22. Mr. ZACKHEOS (Observer for Cyprus) said that tolerance was an absolute necessity, since interaction among nations and persons called for mutual respect among cultures. Educational institutions and the mass media had an important role to play in fostering such attitudes.

23. In a letter to the Special Rapporteur, he had clarified his Government's position on the treatment of Jehovah's Witnesses in Cyprus, which was mentioned in the report (E/CN.4/1997/91, para. 21). Jehovah's Witnesses had the right to practise their faith. Cyprus recognized conscientious objection and objectors could choose between serving outside or within a military camp. Following observations by interested NGOs and the Special Rapporteur, the Government was amending its legislation to reduce the period of service of conscientious objectors, despite the country's urgent defence needs.

24. Turkey was continuing its systematic destruction, profanation and even sale of places of worship in the occupied part of Cyprus, attacking the cultural and religious heritage not only of the Greek Orthodox Cypriots but also that of the Armenians and Catholic Maronites. The problem of Cyprus was not as the international community well understood, an intercommunal religious dispute, but a question of foreign occupation. Christians and Muslims had cohabited peacefully and cooperated closely in Cyprus for centuries, with churches and mosques standing side by side in most villages. His Government took all necessary measures for the preservation of the mosques in the free areas of the island, since it considered them part of the cultural heritage of Cyprus, and continued to encourage rapprochement and contacts among members of the two communities.

25. As stated in the Secretary-General's report on the question of human rights in Cyprus (E/CN.4/1997/48, para. 15), access to sites of religious significance remained restricted, in violation of the recommendation of the United Nations Force in Cyprus (UNFICYP). Moreover, despite their own lack of resources, the Turks did not permit Greek Cypriots to make funds available for necessary repairs to cultural monuments. The Turks had also refused to allow a retired priest to be replaced. He urged the Commission and other human rights bodies to isolate people or countries that did not respect religion.

26. Monsignor BERTELLO (Observer for the Holy See) said that the statement by Pope John Paul II, in his 1991 message for the World Day of Peace, that the denial of complete freedom of conscience could cause tension or even open conflict was still relevant and such freedom was still under threat. For example, in one African capital, the authorities had demolished over 25 Catholic schools, which had been open to students of all races and religions.

27. Tolerance was not passive; it required social solidarity and a willingness to re-examine one's spiritual heritage. Interfaith dialogue was important for building a harmonious and peaceful society. If everyone acted in accordance with the best of his or her religious tradition, that would be a living contribution to the building of a new society.

28. With respect to the Special Rapporteur's discussion of religions and sects, the Holy See considered that the two were qualitatively different in terms of their nature, goals and methods. A more thorough multidisciplinary analysis of the issue was needed. Even when a sect did not engage in antisocial excesses, its teaching could be detrimental to the individual if it sought to override reason and judgement and failed to promote social cohesiveness.

29. Mr. HORVATH (Observer for Slovakia) said that legal regulations and procedures for the protection of minorities could not be effective unless countries displayed a positive attitude towards their implementation. Those systems had been established as a means of controlling violence and power, and represented a set of social values that defined and limited power structures.

30. Legal standards must be supplemented by worldwide education through the dissemination of human rights instruments and information. A universal approach should be taken to minority rights, encompassing respect for cultural diversity and regional interests, as well as the concepts of individual, group, State and international responsibility for protecting those rights. The future of civilization depended on the capacity to guarantee fundamental rights and freedoms to every human being.

31. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that, while international population movements had increased in recent years, severe unemployment and growing social tension in industrialized countries had prompted some Governments to restrict migration. Ironically, the result had been an increase in undocumented migrants. Such restrictions had been imposed to meet the demands of the local unemployed and of racist and nationalist political parties rather than to break the vicious circle of police repression of migration and ultra-liberal free-market economic policies.

32. Migrants had become scapegoats for the failure of government economic policies. Since 1997 was the European Year against Racism, European Governments should take stronger measures to fight racism and xenophobia. Instead, they were deporting an increasing number of migrants and even hiring private security firms for that purpose. Moreover, a number of countries had adopted temporary migration policies, which did not represent a permanent solution.

33. The Secretary-General's one-page report on improving the situation of migrant workers revealed the international community's lack of interest in the issue. However, it was encouraging that a meeting of high-level government experts had been held in 1996 to promote the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and he congratulated the 12 countries that had signed, ratified or acceded to the instrument. All the Member States of the United Nations should do likewise.

34. Mr. van WALT van PRAAG (Pax Christi International) said that finding constructive ways to handle tensions between States and minorities and preventing the outbreak of conflict should be a principal objective of the Centre for Human Rights. The minority rights recognized in article 27 of the International Covenant on Civil and Political Rights were minimum standards, not goals to be attained in an ideal situation.

35. He welcomed the improvement in the situation of the Hungarian minority in Romania. However, he was concerned about the situation of Sandzak Bosniacs and of the Bulgarian minority in the Federal Republic of Yugoslavia. The current turmoil in Albania posed a threat to the Greek minority in that country. Owing to the devastating results of the war waged by the Russian Federal Government against the people of Chechnya, persons from the northern Caucasus republics were experiencing increased discrimination, while Circassians and Ingush were anxious to return to their homelands. In Iraq, Assyrian and Turkoman organizations and leaders had been victimized. Lastly, the Commission should pay special attention to the critical situation of ethnic minorities in Myanmar.

36. The report of the Special Rapporteur (E/CN.4/1997/91) confirmed that religious intolerance was practised less often by atheistic political systems than by systems that recognized a dominant religion. Such systems often distorted the basic tenets of the religion they claimed to uphold. Afghanistan was a case in point; there, the Taliban had received support from a great Power whose opposition to Islam had been overcome by the political, economic and strategic interests at stake.

37. Mr. OKHTOV (Society for Threatened Peoples) said that much of what had been said at the current session applied to the Cherkes or Adygei people of the Caucasus, although they had hardly been mentioned. In 1864, many Cherkes had been killed for ethnic or religious reasons and over 90 per cent of the survivors had been forcibly deported to other parts of the Ottoman Empire, the country of Circassia being wiped off the map. Some 3 million Cherkes currently lived in Turkey, Syria and Jordan, some of whom wished to return to their homeland in the north-west Caucasus.

38. Cherkes also lived in various parts of the Russian Federation, often without access to any television, radio or literature in their own language. The Shapsugs - a branch of the Cherkes people - had been reduced in numbers to 10,000 and were in danger of extinction. Settlements of Cherkes in various parts of the Krasnodar and Stavropol Territories had no facilities for education in their own language or instruction in their history and traditions.

39. The Russian Federal Government had thus violated articles 4 and 5 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and article 27 of the International Covenant on Civil and Political Rights. It should assist the International Cherkes Association, which worked for the interests of that minority, and permit the descendants of the deported Cherkes to return to their historic homeland giving them financial help to do so.

40. Mr. STROHAL (Austria) said that the protection of minority rights contributed to the social and cultural enrichment of countries and to international stability. The Sub-Commission's inter-sessional Working Group was a principal forum for discussing minority-related issues and facilitating dialogue between minorities and Governments. Its focus on practical measures was particularly valuable.

41. Austria comprehensively protected and actively supported national minorities through a series of legal safeguards for both ethnic groups and individual members of those groups. Federal, provincial and local assistance programmes had been established, and Advisory Councils had been set up for the Slovene, Croat, Hungarian, Czech, Slovak, and Roma and Sinti minorities to promote their cultural, social and economic interests.

42. By collecting and evaluating information on national situations, the Working Group could provide the international community with a set of good practices that could be applied elsewhere. A focus on specific themes, such as intercultural education, language, enjoyment of culture and the role of the media, could enhance the Working Group's effectiveness. His delegation would thus support the extension of the Working Group's mandate.

43. The High Commissioner for Human Rights had also a crucial role to play, especially in the provision of advisory services for capacity-building and practical measures, which were of the utmost importance for the promotion of minority rights. The High Commissioner should continue to hold United Nations inter-agency consultations on minorities, which should take into account the work of the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

44. His Government was particularly concerned about the plight of the Albanian-speaking population of Kosovo and regretted that the memorandum of understanding on the educational system had not brought about any changes. As in previous years, his delegation would submit a draft resolution to the Commission on the subject.

45. Ms. PALALA (Philippines) said that migrant workers were treated with ingratitude because their hosts believed that merely allowing them to work was

already a great favour. In her country, however, such workers were viewed as economic heroes, whose remittances had kept the economy afloat at times of crisis and whose example was an inspiration to all Filipinos.

46. Her Government had adopted all the measures within its power to protect its migrant workers and to ease the suffering and problems of those workers and their families, but effective measures required the cooperation of both the sending and the receiving Governments. Her Government had concluded bilateral labour protection agreements with several conscientious host countries, but other Governments were wary of setting precedents and asserted that they had adequate laws to protect migrant workers. Unfortunately, the continuing reports of abuse and discrimination, particularly against vulnerable groups such as women, belied that argument.

47. She urged the international community to give its full support to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which only a disappointingly small number of States had so far ratified. Workers who crossed national boundaries were in no way less deserving of respect and dignity than other workers; on the contrary, their vulnerability entitled them to understanding and compassion.

48. Mr. PARREIRA (Angola) said that existing human rights instruments must be implemented more effectively to protect migrant workers and their families, who were particularly vulnerable in times of increasing racism, xenophobia and intolerance. He was particularly concerned at the persistence of neo-Nazi political propaganda, which was used to justify increasingly violent attacks on immigrants.

49. He called upon the Secretary-General to establish a focal point on the question of racism, within the Centre for Human Rights, to coordinate the implementation of the largely neglected Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. The Secretary-General should also look into the possibility of holding a world conference to combat racism and other related forms of intolerance. His Government was prepared to take an active part in every stage of the preparations for such a conference.

50. Mr. TODOROV (Observer for the Former Yugoslav Republic of Macedonia) said that the protection and promotion of the rights of minorities constituted one of his Government's fundamental strategic objectives; they were crucial to internal stability and the stability of the Balkans as a whole. The existence of national minorities not only enriched a society, but was also a basis for good relations with its neighbours. His Government was thus consolidating a tradition of respect and tolerance for minorities by bringing its legislation into line with international standards. Macedonia had ratified the European Convention on Human Rights and the Framework Convention for the Protection of National Minorities of the Council of Europe.

51. His Government was implementing a policy of affirmative action to increase educational opportunities for minorities, by introducing new courses in minority languages and quotas for university entrance, and to increase their participation in the State administration. The results had been

significant and sometimes spectacular: the number of Albanian secondary-school pupils had tripled in a couple of years. Such action was part of an ongoing process aimed at achieving a high level of respect for individual rights and the full integration of minorities into society.

52. The Government's measures had been criticized by some as unconstitutional and by others as inadequate, but the tragic consequences of such extreme views, based on exclusivity and superiority rather than tolerance and respect for diversity, were clear for all to see in the Balkans. His Government, with the strong support of the international community, had opted for integration as a means of ensuring social stability.

53. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said the situation of migrant workers was deteriorating, as more and more people fled poverty or repression to seek work in the developed countries which were adopting dissuasive, not to say repressive, measures to deter them, and where xenophobia was rife. Those efforts to stem migration were unlikely to succeed as long as the gap between rich and poor was so great, tempting the poorest to take any risk in search of a better life.

54. Despite their assertions that clamping down on the informal economy helped legal immigrants, Governments showed no signs of relaxing the rules on naturalization or immigrants' voting rights. The poor response to calls on the industrialized countries to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was deplorable. There was a link between the growth of racism and the living conditions of migrants since xenophobia was stimulated by new legislation that treated immigrants as potential criminals.

55. Mr. ULLMAN (Coordinating Board of Jewish Organizations), speaking also on behalf of the World Union for Progressive Judaism, said that compensation should be payable to members of persecuted minorities who lost their property and possessions. An integrated programme of recovery, restitution and compensation was needed, and could be taken into account by international tribunals dealing with crimes against humanity committed against minorities. Switzerland and France were already developing such a programme.

56. The alarming rise of the extreme right in certain countries was having a major impact on the lives of minorities, including migrant workers. It was unconscionable that, for example, the National Front in France should be receiving public finance to propagate its xenophobic and racist ideas and he suggested that a commitment by political parties to respect international human rights instruments should be a condition for receiving public money.

57. He hoped that there would be a practical follow-up to the report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71).

58. Ms. GIRMA (African Association of Education for Development) said that migrant workers should be allowed to vote in local elections, so that politicians would be less tempted to allow facilities in areas with high concentrations of immigrants to become rundown, thereby creating breeding grounds for hatred and violence.

59. She drew attention to the problems facing the Falashas (Jews of Ethiopian origin) in Israel. While she welcomed the establishment of a Commission of Inquiry into the question of blood donations by Falashas (E/51/301, para. 34), the accelerated rate of the integration process and the separation of children from parents were sources of great stress for the people concerned.

60. In Ethiopia, the Government was attempting to control both the Ethiopian Islamic Council and the Holy Synod of the Ethiopian Orthodox Church by imposing candidates for high office on the basis of ethnic origin, which had led to conflict and even killings in mosques and churches. She urged the Commission to send the Special Rapporteur to investigate that deteriorating situation.

61. Mr. ALPTEKIN (Transnational Radical Party) said some Governments claimed that their treatment of minority peoples was an "internal affair", and thus, for example, the full story of the uprising of Uigurs in Eastern Turkestan, called Xinjiang by the Chinese, had not been told. Almost 1,000 people had been killed when widespread uprisings had been crushed in 1996. China systematically repressed the Uigurs and their Muslim religion, while settling millions of Chinese in East Turkestan, thus reducing the native peoples to the status of an impoverished minority in their own land.

62. Deep frustration had led to further fierce anti-Chinese demonstrations at the beginning of 1997; in the clashes that followed, 400 Uigurs had been killed, including 146 frozen to death when Chinese troops used water-cannon in below-zero temperatures. An eight-year-old girl and a pregnant woman had been shot dead.

63. Those examples conveyed the true picture of the suffering of his people, which China sought to distort by attempting to portray Uigurs as violent Islamic fundamentalists. Like other oppressed peoples, the Uigurs looked to the Commission on Human Rights to bring about peaceful change.

64. Mr. LEBLANC (Franciscans International) said that, in February 1997, thousands of militant Muslims had attacked two Christian villages in Pakistan; hundreds of houses and several churches had been destroyed and some Christians had been forced to recite the Islamic creed, those who refused being severely beaten. His organization supported the demand of the Catholic Church authorities in Pakistan for a prompt investigation of the events and for the publication of its results.

65. Those responsible for human rights violations in the two villages should be brought to justice. Compensation should be paid to the victims of the disturbances. The Government should rebuild and restore all the damaged churches, schools, hostels and dispensaries and provide medical treatment and facilities to all the injured.

66. His organization called upon the Government of Pakistan to abolish its discriminatory laws, especially those on blasphemy, as well as its system of separate electorates, and to adopt legislation prohibiting religious discrimination.

67. Mr. AHMAD (World Muslim Congress) said that the Special Rapporteur's report (E/CN.4/1997/91) appeared to be based on the view that religion was a strictly private affair and that an individual's religious convictions and acts of worship should remain isolated from his or her other activities. That view did indeed prevail in many parts of the world, but there were also countries with a State religion, such as Islam, where religion had a broader role.

68. Those countries' systems of belief and of jurisprudence, based on their revealed holy scriptures, were no less compatible with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief than those of countries which adopted the other view.

69. Turning to the more specific issue of the freedom to change one's religion, he said that the essential element in that respect was freedom of conscience. Aggressive proselytizing, often accompanied by obvious disparities between the material and propaganda resources of the two religions concerned, was a source of friction and should be eschewed. Lastly, the indication of an individual's religion on his or her identity card was not in itself discriminatory. Religion was a genuine element of personal identity and no one should feel obliged to hide it out of fear.

70. The only solution to the problem lay in concerted efforts to eliminate all forms of prejudice and to create a society in which a person's religious affiliation did not evoke hostility.

71. Mr. KELLMAN (El Salvador) said that his delegation supported the Mexican proposal that an intergovernmental group of experts be established to work out minimum standards for the protection of migrants and referred, in that connection, to the two Central-American regional conferences on migration in 1996 and 1997. Reiterating his Government's commitment to the promotion and protection of all human rights and fundamental freedoms, he emphasized that migrant workers and their families were human beings before all else and that their enjoyment of human rights could not be made subject to any condition, including that of their migrant status.

72. Ms. ARRIAGA (United States of America) said that the inherent right of every individual to practise and to change his or her religion and to participate in public or private worship, enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief and many regional human rights instruments, should be upheld by all Member States.

73. Freedom of religion, including the freedom to have no religion, was a bedrock issue for the people and Government of the United States. According to recent data, there were 28 separate religious groups with more than a million adherents and 35 groups with between 100,000 and a million members in the United States. Virtually every religion in the world had a base in the country, so that, whenever a people anywhere was persecuted for its beliefs, her compatriots took it as an attack on their own beliefs.

74. Consequently, her delegation could not turn aside while the Sudanese Government failed to stop the persecution of Christians and traditional believers. It was bound to express concern over the hostility faced by Evangelical Protestants, Mormons and Jehovah's Witnesses in many countries in Latin America, Asia and the Commonwealth of Independent States.

75. While dismissing the idea of incompatibility between Islam and the Western world, her Government condemned the violence perpetrated by armed groups hiding behind the cloak of Islam in countries such as Algeria and was concerned at the increasing number of attacks on Copts in Egypt; the periodic violence between Muslims and Hindus in South Asia and Iran's continuing persecution of Baha'is and Christians. It also felt obliged to speak out against actions taken in the name of Islam by the Taliban in Afghanistan, especially the exclusion of women from employment and education.

76. Elsewhere, the Government of Viet Nam continued to restrict the activities of Buddhists, Catholics and Protestants, while Pakistan's blasphemy law affected Christians and Ahmaddiya Muslims alike. It was also a matter for deep concern that anti-Semitism continued in many forms and in many countries.

77. Her Government could not remain silent while the Government of China increased repression, imprisonment, and the abuse or torture of Tibetan monks and nuns accused of political activism. It could not look aside while that Government labelled religious leaders as criminals or "splittists" and held a child in custody simply because he had been designated as a religious leader. It was also obliged to speak out when the Chinese authorities harassed and persecuted Catholics, Protestants, Muslims and Buddhists who had not been registered.

78. In conclusion, the Commission could not wait until the fiftieth anniversary of the Universal Declaration to rededicate itself to the values upon which it was founded. Religious tolerance and freedom were fundamental to the human rights of every individual in every country of the world.

Statements in exercise of the right of reply

79. Mr. EGÜZ (Observer for Turkey) said that, as the Turkish Republic of Northern Cyprus was not represented in the Commission, his delegation felt compelled to reply to the references to Cyprus that had been made under agenda item 19. Accusations brought against Turkish Cypriots of destroying churches and other religious monuments in the north of Cyprus were totally unfounded and represented a deliberate policy of denigration designed to mislead world public opinion. Similar allegations had been refuted in reports published by the Committee on Culture and Education of the Council of Europe.

80. The object of that premeditated campaign was to conceal the devastation of the Islamic-Turkish heritage in Cyprus between 1963 and 1974, as well as attacks on mosques perpetrated by Greek Cypriots as recently as January 1995 and August 1996.

81. As for the problem of the illegal export of antiquities from Cyprus, the island's cultural heritage was being plundered by Greek Cypriot smugglers but not by smugglers alone; the almost arbitrary issuing of export licences by the

Greek Cypriot administration had reached scandalous proportions. However, instead of rectifying and improving their policy of preservation of the national heritage, the Greek Cypriots preferred to slander the Turkish Cypriot side in the international arena.

82. Mr. MANOUSSAKIS (Observer for Greece) said that the observer for The Former Yugoslav Republic of Macedonia had, in his statement, used an incorrect denomination of the State in question. According to Security Council resolution 817/1993, that State was to be provisionally referred to for all purposes within the United Nations as The Former Yugoslav Republic of Macedonia, pending settlement of the difference that had arisen over its name. That difference had not yet been settled.

83. Mr. LI Wufeng (China) said that he wished to clarify a point raised by the representative of the Transnational Radical Party. In February 1997, a handful of people had resorted to violence in a town of the autonomous region of Xinjiang, engaging in unprovoked criminal activities including the killing of innocent women and children. Those actions had been unanimously condemned and opposed by people of all nationalities living in the region, but a handful of separatists acting under the instigation of certain international forces for the purpose of splitting the Chinese State had used the incident to fabricate rumours in the hope of deceiving international public opinion.

84. Xinjiang had been an inseparable part of Chinese territory since time immemorial. Its various nationalities, including the Uigurs, were contributing towards the maintenance of national unity and were seeking their development, prosperity and progress together with the rest of the Chinese nation.

85. The rapid rise in economic and cultural development and in the people's living standards testified to the success of the Government's policy. All attempts to undermine the national unity and territorial integrity of China were doomed to failure.

86. Replying to the unfounded accusations made against his country by the United States delegation and certain NGOs in connection with agenda item 19, he said that his Government fully respected religious freedom. History had proved that petty trickery and rumour-mongering never led very far.

87. Mr. LAMDAN (Observer for Israel), replying to the statement made by the Minister of High Education in the Palestine Authority, said that his delegation commended that lady's deep commitment to the peace process in the Middle East and associated itself wholeheartedly with everything she had said about the need to keep the process alive until the achievement of a lasting peace. At the same time, it could not but feel that some of her comments simply did not square with reality. As leading members of the Commission and international human rights monitoring organizations had recognized, the Palestinian Authority's human rights record was abysmal.

88. The allegation that Israel had passed legislation authorizing torture was totally false. More important still, it was not Israeli extremism which was feeding extremists on the Palestinian side but the other way round.

The Palestinian Authority had to recognize that it could not conduct a peace dialogue with Israel while giving the green light to terrorist organizations to operate both in the territories and in Israel.

89. That was why his Government had demanded that the Palestinian Authority should fulfil to the letter its commitment to fight violence and terror as a precondition for the advancement of the peace process. It was up to Chairman Arafat and the Palestinian Authority to determine that issue.

90. Mr. GETAHUN (Ethiopia) said that the representative of the African Association of Education for Development had deliberately tried to misinform the Commission about an incident in which a religious extremist had been killed in the act of trying to assassinate the Patriarch of the Ethiopian Orthodox Church. With reference to the question of the Patriarch's election, he wished to reiterate that his country's Constitution provided for the separation of State and religion, which meant that religion did not interfere in the affairs of Government and vice versa. Accordingly, the Patriarch had been elected by the Holy Synod without any government interference whatsoever.

91. Lastly, reference had been made to a disturbance in Addis Ababa due to violence between groups claiming to be the legitimate representatives of the Islamic Affairs Supreme Council. That violence had aroused unanimous condemnation, and its instigators and their accomplices had since been tried before the Central High Court. The individuals who had tried to incite religious conflict in Gondar had also been brought to justice.

92. Mr. ZACKHEOS (Observer for Cyprus), replying to the observer for Turkey, said his delegation did not consider it important whether Turkey did or did not recognize its legitimacy; what was important was the recognition by the international community of the fact of Turkey's invasion and continuing occupation of a small, defenceless neighbouring country.

93. Greek Cypriots, Armenians and Maronites were not alone in suffering the tragic consequences of Turkey's act of aggression; Turkish Cypriots, too, were fleeing the country and seeking political asylum elsewhere. As for the destruction of the Muslim religious heritage in Cyprus, many Muslim places were being deliberately damaged in order to incite hatred between the two communities.

94. Turkey was one of the most serious human rights offenders both at home and abroad, and it should put its own house in order before accusing others.

The meeting rose at 6.10 p.m.

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Fifty-third session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 March 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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GE.97-11289 (E)

The meeting was called to order at 10.10 a.m.

STATEMENT BY MR. CAMILO REYES RODRIGUEZ, DEPUTY-MINISTER FOR FOREIGN AFFAIRS OF COLOMBIA

1. Mr. REYES RODRIGUEZ (Colombia) said he wished to emphasize first of all, the duty of every State to protect and defend the most fundamental human rights namely, the right to life, integrity and freedom, and to meet the basic needs of its citizens while at the same time ensuring implementation of the right to development, both domestically and in international relations. In view of the obstacles that violence and poverty constituted in that regard, States often needed help. Strengthening international cooperation, the realization of which was one of the aims of the United Nations, was thus of great importance.

2. The primary purpose of the organization was to maintain international peace and security and, to that end, to take effective collective measures to prevent and ward off threats to peace. However, as things stood, it was not only wars between nations that threatened international peace but also, and more and more frequently, internal armed conflicts. The international community must firmly condemn the armed non-governmental actors who tried to impose their ideology on peoples and nations by using barbaric practices, of which massacres, murder, abduction, torture and the use of anti-personnel landmines were the most spectacular examples. Despite the position adopted to that effect by the Commission, some people continued to think that, for the purpose of implementing all the mechanisms and special procedures for human rights protection, only the responsibility of States as guarantors of the protection and defence of those rights should be taken into account. His Government did not dispute that responsibility, which no State that called itself a democracy could deny. Nonetheless, failure at the international level to condemn acts committed by subversive or terrorist groups generated confusion in countries undergoing such problems, with the result that people thought that the international community showed a certain tolerance of those groups. Clearly, such groups would have to be condemned if international cooperation was to be effective in freeing mankind from the evil of violations of fundamental rights.

3. The fiftieth anniversary of the Commission provided the opportunity to improve existing mechanisms for cooperation so as to help States overcome their difficulties in the field of human rights. He welcomed the conclusion of the 29 November 1996 agreement between his Government and the High Commissioner for Human Rights to establish a human rights office in Bogotá, which would start operating on 6 April 1997. It would be responsible for monitoring the human rights situation in Colombia; receiving complaints on violations of those rights, including violations of the humanitarian standards applicable in armed conflicts; and helping the national authorities to design policies and take steps to promote and protect human rights and ensure respect for international humanitarian law. The High Commissioner would then present an analytical report on the functioning of the office and the situation of human rights in Colombia.

4. His Government was resolved to put an end to violence in Colombia and would wholeheartedly support the office's efforts to help it surmount the

problems it faced in the field of human rights, which were largely due to the existence of an internal armed conflict. He asked the Commission and all its member countries to have faith in his Government and support its efforts towards the peaceful coexistence of all citizens, which was the aspiration of all Colombians.

STATEMENT BY MR. PIERRE-HENRI IMBERT, DIRECTOR OF HUMAN RIGHTS AT THE COUNCIL OF EUROPE

5. Mr. IMBERT (Council of Europe) said that the Council's efforts to promote and protect human rights at the European level had never ceased. The first great victory in that area had been the adoption of the European Convention on Human Rights: 34 of the Council's 40 member States were currently parties to the Convention and recognized the right of individual recourse and the mandatory competence of the European Court of Human Rights.
6. In the area of economic and social rights, which were particularly important in a Europe plagued by problems of unemployment and exclusion, a new, entirely revised version of the European Social Charter of 1961, had been adopted and opened to signature in 1996. It would be supplemented by a protocol that would render it possible for employers' and workers' organizations and non-governmental organizations (NGOs) to submit collective claims. As for the rights of minorities, the Framework Convention for the Protection of National Minorities, adopted by the Council of Ministers in November 1994, would soon enter into force.
7. In addition, the Parliamentary Assembly and the Committee of Ministers of the Council of Europe had decided to establish a system for monitoring whether the member States were effectively honouring their commitments in respect of the exercise of fundamental rights and the enforcement of the rules of pluralist democracy and the primacy of law.
8. Despite all the progress made, however, the tragic events of the past few years in the former Yugoslavia, in Chechnya and, more recently, in Albania, had reminded the international community that there was still a long way to go. There was still much to be done to combat racism and intolerance and to promote equality between women and men.
9. An ambitious European campaign against racism, in which young people had taken an active part, had been launched in 1994, at the initiative of the Heads of State and Government of the Council of Europe and the European Commission against Racism and Intolerance (ECRI), which had been responsible for evaluating the effectiveness of the steps taken by member States in that regard, formulating recommendations and studying the pertinent international legal instruments with a view to their possible strengthening.
10. As for the promotion of equality between women and men, the Council was endeavouring to implement at the European level the Platform for Action adopted by the Fourth World Conference on Women, primarily by focusing its activities on combating violence against women, protecting women's reproductive rights, the specific problems of migrant women and balanced

participation of women and men in the democratic system. On the latter point, the Council continued to be extremely concerned by the poor representation of women in the highest executive bodies of the European countries.

11. Anxious to protect the progress achieved in the protection of human rights, the Council had taken a firm stand in favour of the abolition of the death penalty and asked all its new members to commit themselves to apply a moratorium on executions, with immediate effect, and to ratify, within given deadlines, Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning abolition of the death penalty. The Italian proposal on the question merited the unhesitating support of all Governments sincerely committed to the rule of law.

12. The Council was convinced of the need to make all sectors of society aware of the question of human rights, and very much appreciated the efforts made in that connection by United Nations bodies, particularly the High Commissioner for Human Rights, whom it held in high esteem. Inasmuch as the problems did not seem to be diminishing, it was essential that the experiences should be shared at all levels of the international community - national Governments and governmental representatives, secretariats of intergovernmental organizations and representatives of NGOs.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1997/65)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 17) (continued) (E/CN.4/1997/82 and 83; E/CN.4/Sub.2/1996/2 and 28; A/51/536)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 19) (continued) (E/CN.4/1997/91 and Add.1; E/CN.4/1997/NGO/19; A/51/542/Add.1 and 2)

13. Mr. MUSA HITAM (Malaysia), having reaffirmed his country's commitment to the protection of human rights and fundamental freedoms, which were guaranteed by its Constitution, said it was incumbent upon his Government, as it was upon all Governments, to provide such protection. It was also the responsibility of the Government to maintain the State's stability and security, along with that of its citizens, against any destabilizing element. His delegation fully concurred with the views of the Special Rapporteur on religious intolerance, expressed in paragraph 99 of his report (E/CN.4/1997/91), on certain abuses committed by sects, which the State must not tolerate. As for religious extremists in Malaysia, those members of the Al-Arqam sect who had been detained had been released in 1996.

14. He noted with concern that, for the West, Islam represented a danger. Anti-Islamic feelings were growing there, engendered by prejudice and fear, which could not but contribute to destabilization of the planet. Islam had become equated with intolerance and terrorism, to the extent that any terrorist action was instantly and systematically imputed to Muslims, as had

happened following the Oklahoma City bombing. It was scandalous that no apologies whatsoever had been presented to the Muslim community in that connection.

15. The situation became paradoxical when, on the one hand, Islam was being accused of promoting terrorism and intolerance, and on the other, the rights of Muslim minorities were being increasingly violated in some parts of the world. It was those violations which, as they contributed to confusion and despair, could push activists to commit acts of terrorism.

16. The perception that Islam was synonymous with terrorism, extremism and intolerance was wrong. Islam preached peace and solidarity between and among human beings, irrespective of their racial or religious background; it condemned all forms of terrorism, extremism and intolerance; and it embodied all the rights enshrined in the Universal Declaration of Human Rights and the many United Nations declarations and conventions. It was the Islamic ideal which had inspired the 1990 adoption by the Organization of the Islamic Conference (OIC) of a Declaration on Human Rights in Islam.

17. In Malaysia, a multiracial, multicultural and multi-religious country, religious tolerance was one of the very foundations of national unity, and religious intolerance was prohibited. The country's political stability was supported by that fact, and it enabled the Government to focus its attention on economic development. Religious tolerance, political stability and a sound development strategy had allowed Malaysia to experience economic growth of an average 8 per cent a year for 10 consecutive years. Malaysia was proud of its success and proud of being Muslim.

18. Mr. OAZI (Pakistan) said that, although migrations of all sorts were inherent in the history of mankind, the rights of migrants, and particularly migrant workers, barely counted. Migrants and their families were treated almost everywhere as second-class citizens. Without the benefit of adequate measures of integration, they were marginalized and their difficulties made even worse by the rise of xenophobia. It was thus vital to protect their rights, both in the domestic legislation of each State and in international law.

19. However, laws alone were not enough. For migrants to be perceived as partners in economic and cultural development and not as usurpers, attitudes would have to change. Educational and information campaigns should be undertaken to dispel suspicions about migrants and to enable them to preserve their cultural, religious and social identity, while being integrated into the society in which they lived.

20. The Special Rapporteur on religious intolerance had submitted a report (E/CN.4/1997/91) which deserved careful consideration and follow-up. The delegation of Pakistan would convey to him its comments on several of his references to Jammu and Kashmir and Pakistan, which appeared in the report on his visit to India (E/CN.4/1997/91/Add.1).

21. In Pakistan, equality between Muslims, Christians, Hindus and others was a fact. Proclaimed at the moment of the founding of the country in 1947, that equality had been reaffirmed by the current Prime Minister, Mr. Nawaz Sharif.

It formed part of the basic tenets of Islam on which the Constitution was based. The Constitution contained express provisions guaranteeing the rights of minorities; in particular, articles 20, 21 and 22 guaranteed the right to profess one's religion and to receive religious instruction, without suffering any discrimination with regard to taxation or admission to State-aided educational institutions. Constitutional provisions guaranteeing equal access to governmental and institutional posts and to services, as well as the preservation of the culture of the various sectors of society, had been translated into laws and administrative mechanisms, through the establishment of the Ministry of Minority Affairs, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, District Minority Committees and the National Committee on Kalash People.

22. The minorities benefited from special social protection, and funds made it possible for them to receive financial assistance in their daily life. A scheme of national cultural awards had been introduced specifically for minorities in the fields of literature, the fine arts, the performing arts and folk arts. Thanks to those affirmative actions and a non-discriminatory system of competition, Pakistan had been able to ensure the collaboration of highly capable individuals from minority groups in all fields.

23. To follow up the recommendations of the Special Rapporteur after his 1995 visit to Pakistan, the Government had, among other things - and as it had already intended to do beforehand, amended the electoral system so that minorities could participate directly in elections and vote for their own representatives.

24. Tolerance and respect for pluralism should not serve as a pretext for foreign interests anxious to occupy or dominate a country, however. Pakistan was itself the victim of foreign-inspired extremism and terrorism aimed at its destabilization, at a time when it was making a sincere effort to promote respect for human rights, religious harmony and a liberal, moderate and tolerant society. The democratic world would, he was sure, support its efforts.

25. Mr. KRYLOV (Russian Federation), having stressed the great complexity of the problem of minorities, a problem which the League of Nations had been unable to resolve and which was increasingly becoming the cause of conflicts and crises that threatened peace, security and friendly relations between nations, said that the entire international community must make a firm commitment to the protection of human rights, including those of persons belonging to minorities, and with the greatest equity and objectivity, without yielding to the temptation of double standards.

26. There were dozens of national and ethnic minorities in Russia. The Constitution of the Russian Federation and the charters of its administrative and territorial entities made it incumbent upon the State to protect the rights of minorities. That was why his Government was endeavouring to enable minorities to develop their own culture, study their mother tongues and be represented at both the Federal and local levels.

27. Following the collapse of the Soviet Union, 25 million Russians were living outside Russia, and Russian society was not indifferent to their fate in the newly independent States. The Russian minorities suffered from the

priority given to the nationals of those States and from manifestations of aggressive nationalism. Russian cultural space had declined, and it was difficult for those groups to receive an education in Russian; some organizations representing their interests were banned. As President Yeltsin had stressed, one of the most important tasks of Russian foreign policy had been and would be the protection of the rights of Russian populations living abroad, including those in Estonia and Latvia. Russians would never forget the legitimate rights of their compatriots, even though they wanted to maintain good neighbourly relations. Russia's position derived not from imperialistic aspirations but from the need to protect human rights, the rejection of all forms of discrimination and the moral and legal obligations of membership of the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

28. His Government was attempting to reconcile two necessities: protection of the human rights of national minorities and observance of the principle of the territorial integrity of States. The transition to a multi-polar democratic world demanded the conscientious implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. That should be one of the Commission's priorities. It was by protecting the rights of minorities that society would prove its dedication to pluralism, supremacy of the law and respect for human rights.

29. Ms. GHOSE (India) said that, during the debates on agenda items 13, 17 and 19, it had become increasingly clear that the Commission must find ways to promote pluralism and tolerance. The activities of the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be brought to the attention of Governments, NGOs and the media, so that the debate and inputs could be internationalized, and the Group's mandate should be extended for another two years, the required resources being made available.

30. The phenomenon of extremism and religious intolerance and the rise of so-called religious fundamentalism was a challenge that confronted almost all nations and religions. Whether that problem arose from pressures towards uniformity on heterogeneous societies, or from a sense of alienation bred by the demands of modern life, it carried the danger of a lapse into violence and even terrorism. There was a need for all countries to find appropriate responses, in a democratic framework, by establishing firm foundations of equality and non-discrimination, by strengthening legislation, by promoting a culture of tolerance through education and by appealing to civil society and the media.

31. India, which was faced with those challenges, took an active interest in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and in the work of the Special Rapporteur on religious intolerance, Mr. Amor. Her Government had therefore invited him to visit India, and he had been able to meet personalities representing the whole spectrum of Indian political and civil society. His keenness of observation and commitment to his mandate had enabled him to grasp some of the complexities of an ancient society of 950 million people, experiencing major social and economic changes. India was characterized by great diversity, not only in terms of religion, but in many

other areas as well. That diversity was preserved by the people, who were deeply committed to pluralism and tolerance, and by the Constitution, which had placed that ideal in a formal framework. In a complex and vast society such as India, there were undoubtedly manifestations of intolerance, but, as noted by the Special Rapporteur in his report (E/CN.4/1997/91/Add.1), those were aberrations which were condemned not only by the authorities but also by society at large.

32. She welcomed the fact that the Special Rapporteur had found the situation satisfactory, but his thesis that poverty, as well as India's economic and social structure - which was a reference to the caste system - led to religious intolerance was open to question. She recognized that the poor were the most vulnerable to exploitation for political or other ends, but, as far as the caste system was concerned, legislation, together with other administrative and educational steps, prohibited discrimination on the basis of caste. The caste system itself had not been abolished, but a social revolution was in progress, as those who had previously been discriminated against on the basis of caste began to make their voices heard and to turn what might have been a social disadvantage into political power. However, caste, which was a social phenomenon, must not be confused with religion.

33. As the Special Rapporteur had pointed out, India's democratic structure was susceptible to attack on account of the "exploitation of religion to further a programme which is in fact political". In the case of Jammu and Kashmir and Punjab, the Special Rapporteur - and her Government agreed entirely - had urged all parties concerned, official and non-official, national and foreign, to ensure that the immutable principles of religion were not affected by political considerations at the expense of the religious rights of communities and, more generally, of tolerance and non-discrimination based on religion and belief. Her Government was alive to that concern and was taking all the necessary steps to prevent political questions from taking on any religious connotation whatsoever.

34. Her Government did not underestimate the challenges posed by extremes of poverty and prosperity. It agreed with the Special Rapporteur that education in school and at home was a major step towards developing tolerance and that accelerated economic development was also necessary; it was for that reason that it had set an economic reform in motion.

35. Her Government had taken note of the Special Rapporteur's other recommendations such as regulating the financial dependence of political and religious movements on foreign countries and protecting schools from political and ideological indoctrination. He had also recommended that the Centre for Human Rights provide advisory services on teacher training. While any assistance in that area would be welcome, she feared that, given the magnitude of the problem - trying to eradicate illiteracy among more than 40 per cent of a population of 950 million - the financial and human resources of the Centre might not be adequate.

36. In the fiftieth year of India's independence, the principal source of its confidence in the future was that its democracy was based on an age-old tradition of tolerance and that its struggle against colonialism had been

fought for the freedom of all its people and not of any specific group. Its commitment to "unity in diversity" provided a viable basis for the democratic organization of a multi-religious and multilingual society. The international community still had much to do to promote tolerance and pluralism, and her Government once again urged the Centre for Human Rights to attach the highest priority to the task, not only through the studies requested by the Commission and its Sub-Commission, but also through workshops and seminars, using mass media and NGOs, encouraging exchanges of experience and assisting countries through its technical cooperation programme. The action of the Centre must be such as to cope with the threat posed by extremism, exclusivity and intolerance, as well as the conflicts and violence they could engender.

37. Mrs. KUPCHYNA (Belarus) said that her country was doing everything possible to implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Regarding the situation of minorities in Belarus, she stressed the harmony reigning between society's ethnic and religious groups.

38. At the legislative level, the period of transition to democracy and a market economy was characterized by recognition of the fact that the protection of human rights was a vital element in maintaining peace and stability. The constitutional provisions guaranteeing the rights of persons belonging to minorities had been spelled out in a series of laws (on national minorities, education, languages, rights of the child and so forth). Her Government was planning to accede to the Framework Convention for the Protection of National Minorities of the Council of Europe. On 24 October 1994, it had signed the Commonwealth of Independent States (CIS) convention on the protection of the rights of persons belonging to national minorities.

39. From January 1995 to January 1997, a coordinating council on national minority issues of the Council of Ministers of the Republic of Belarus had coordinated the activities of the State bodies and civil organizations in the area of relations between nationalities. The Presidential Decree of 11 January 1997 had created the State Committee for Issues of Religion and Nationality, whose task was to analyse and promote the culture, interests and needs of national minorities. There were currently dozens of cultural associations comprising persons of different nationalities residing in Belarus (Russians, Poles, Ukrainians, Lithuanians, Jews, Germans, Koreans, Azerbaijanis, Tatars and Moldavians).

40. Many countries were in the midst of ethnic or religious conflicts. There were about 100,000 illegal immigrants in Belarus, most of whom were trying to acquire refugee status by asserting that they had a well-founded fear of being persecuted for reasons of race, religion, citizenship or nationality if they returned to their country of origin. The Belarusian authorities were convinced that, if all countries implemented the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, many refugee problems would be avoided.

41. Her Government welcomed the activities of the Working Group on Minorities. It supported in particular the recommendation made in paragraph 206 of the Working Group's report on its second session

(E/CN.4/Sub.2/1996/28) on collecting information and preparing short studies on the content and scope of the core principles contained in the Declaration. In future, the Working Group should concentrate on the practical application of the Declaration's provisions.

42. Turning to the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, she said that Belarus was currently undergoing an extraordinarily rapid religious renewal. The Church was strengthening its presence: between 1986 and 1996, the number of religious communities had risen from 842 to 2,016. In addition, foreign missionaries from various groups, particularly Catholics, Jews and Muslims, were opening religious centres. On the basis of the Constitution and the principles of international law, the Government was taking the appropriate steps to protect the honour, health, rights and legitimate interests of its citizens and to avoid any manifestation of hatred or violence based on religion. Some foreign missionaries were the mouthpieces of sects. By an ordinance of 17 January 1995, Parliament had authorized the Government to regulate the activity of members of foreign religious communities on national territory. That provision was, of course, aimed at religious organizations that preached hatred and violence, challenged civic duties or encouraged suicide.

43. The Constitution guaranteed the equality of religions before the law. The State did not provide financial support to a single religious organization. When appropriate, it returned church property and restored buildings of religious heritage that were of cultural and historical value.

44. Mr. WANG Zuoran (China) said that, 15 years after its adoption by the General Assembly, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief still held an important place in the Commission's work. He wished to provide a brief introduction to the policy and situation of religion in China.

45. There were more than 100 million adherents of different religions in China (Buddhism, Taoism, Islam and Christianity). Since the founding of the People's Republic of China, his Government had protected the religious freedom and rights of believers. It had always advocated mutual respect, equality and tolerance between believers and non-believers. Discrimination based on belief or non-belief was not allowed. Freedom of religious belief was enshrined in the Constitution, and religious communities could practise their faith freely as long as they did not interfere in the administrative and legal affairs of State. Representatives of religious groups were elected to the people's congresses and participated in debates on national and local affairs. The Government consulted religious authorities in preparing legislation on religious matters.

46. His Government attached great importance to the respect for and protection of religious freedom through legal means. In January 1994, it had promulgated two important regulations on religious affairs: the Administrative Regulations on the Sites of Religious Activities and the Administrative Rules on Religious Activities of Foreigners within the Territory of the People's Republic of China.

47. As long as they respected the law, religious groups could organize their religious activities and teachings in complete independence, issue religious periodicals, distribute religious texts and open religious schools to train young theological professionals. They could conduct exchanges with foreign religious groups and personnel, attend international religious conferences and organize pilgrimages. There were currently over 2,000 religious groups in China, 200,000 teachers of various religions, 48 religious institutes and schools and more than 70,000 places of worship. As in any State that observed the rule of law, citizens also had duties, which included not engaging in activities that endangered public security and social order.

48. All countries, with their great diversity, should conduct exchanges with each other to combat prejudices. China, by protecting freedom of religion, was willing to contribute to world peace, social justice and friendly relations among the peoples of all countries.

49. Mrs. GABR (Egypt) said the fundamental idea underlying all the issues under consideration was that of acceptance of the Other, whether that Other was a migrant worker or a member of another religious or linguistic group. The participants in the round table organized by the United Nations on 21 March 1997 in observance of the International Day for the Elimination of Racial Discrimination had called on the members of the international community to combat racism against migrants and to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which only a dozen countries, including Egypt, had so far acceded. Many countries that were eager to impose their values on others were reluctant to commit themselves to defending the basic rights of migrant workers. Accession to the Convention by host countries would mark a turning point at the social and political levels, and the beginning of the elimination of racism in all its forms. Her delegation endorsed the proposal to establish a group of government experts to identify obstacles to the enjoyment by migrant workers of their rights.

50. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief was also a vital instrument. Convinced of the importance of tolerance, her Government had always cooperated with the Special Rapporteur on religious intolerance. It welcomed his excellent report and his comments on the situation in Egypt. Recent isolated terrorist acts there had been firmly condemned by the political and religious authorities. Extremism, particularly religious extremism, was an evil that threatened all societies. States must do everything possible to prevent religion from being exploited for political ends.

51. In that perspective, the role of education in creating a culture of tolerance could not be overstated. The Special Rapporteur had devoted part of his report to the development of a culture of tolerance. The Egyptian authorities had set up a simplified educational programme on human rights for children. They were cooperating with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to ensure the circulation of children's books that conveyed a spirit of tolerance. Knowing how to accept the Other would be a principal factor in the evolution of tomorrow's societies, determining their ability to assimilate new ideas and to integrate persons from other cultures. All States and international organizations

should cooperate to that end; such efforts could be capped by an international conference against racism, which would be held before the end of the century.

52. Mr. CHOWDHURY (Bangladesh) said that the rise in negative attitudes towards migrant workers and foreigners in general had several causes. It was due in part to inadequate protection of the rights of migrant workers, especially illegal migrants, and to xenophobic statements by irresponsible individuals. At a time when population displacements were increasingly numerous and more complex throughout the world, migrants were being used as scapegoats for all the evils of the host countries, which usually reacted by adopting defensive and restrictive measures. Migrants were often taken to task individually and collectively. It was therefore urgent that the international community should protect their rights.

53. In February 1996, the International Organization for Migrations (IOM) had organized a Round Table on Effective Respect for the Dignity of Migrants. The Round Table had observed that there was no widely ratified international instrument on the matter, no monitoring body and no international intergovernmental agency responsible for promoting and monitoring the protection of their basic human rights; there was also no broadly based NGO advocacy movement. The Round Table had further commented on the strong resistance by numerous States to adhering to the standards on migrants' rights. Unfortunately, the Round Table did not seem to have received any press coverage. The Programme of Action adopted by the International Conference on Population and Development, however, contained some useful elements with regard to migrant workers.

54. The question of migration must be considered from the standpoint of respect for basic human rights but also of problems of employment and working conditions. Given the globalization and liberalization of the economy, the movement of people in the context of production must be taken into account as well as the movement of capital, goods and services. The failure to recognize the value of the movement of people had contributed to the flourishing of trafficking in illegal migrants and led to actions that had become a blot on the world's conscience. Globalization was undoubtedly a noble aim; however, it was not a matter simply of opening markets but also one of opening minds and hearts.

55. There was no reason to be afraid of migration. History testified to the fact that it was a factor in intellectual, spiritual and material enrichment. His Government called on the international community to reflect in depth on the question of migration, including migrants' rights. All States must recognize a minimum set of rights for migrants. The Commission could certainly play an active role in that regard.

56. Mr. LILLO (Chile) said he was concerned that a growing number of migrant workers were encountering intolerance, discrimination, xenophobia and racism and were increasingly marginalized in society. They were treated as second-class citizens and often worked under conditions of exploitation, some of which resembled slavery. Regarding employment, they were discriminated against both as to the nature of the work and the level of remuneration. It

was regrettable that migratory flows were considered to be negative and that migrant workers were considered more as a burden on society than an enrichment of the host country.

57. It was true that many migrant workers had left their countries of origin in search of a better situation, but migration was not only a reaction to difficult human situations; it was also part globalization. In an increasingly interdependent world, it was paradoxical that practices of discrimination and exclusion were on the rise. The application of increasingly restrictive policies and laws was a cause for alarm, as such measures contributed to xenophobic and racist attitudes and behaviour. The problem of migrant workers and their families as it currently existed was not just a part of the "North-South" confrontation; it was a much more complex phenomenon which occurred even between developing countries.

58. In view of the seriousness of the phenomenon, his delegation supported the suggestion by the delegation of Mexico that a working group be established within the Commission to study the problems in terms of universal criteria, to determine the main obstacles to preventing migrant workers from fully exercising their basic rights and, based on its conclusions, to propose solutions. The Chilean Parliament was considering the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and his Government hoped that the procedure for ratifying that important instrument would soon be concluded.

59. Mr. GOONETILLEKE (Sri Lanka) said that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities not only proclaimed the rights of minorities, for which States were primarily responsible, but also referred to tenets contained in several other international human rights instruments, including article 20 of the International Covenant on Civil and Political Rights, which specifically prohibited advocacy of national, racial or religious hatred. That clearly meant that, while minorities were entitled to certain rights, they also had certain duties towards society as a whole. Acts of terrorism and violence against other communities were, therefore, not admissible as a means of realizing minority rights. Moreover, article 8, paragraph 4, of the Declaration clearly stipulated that it should not be "construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States".

60. In its resolution 1996/19, on "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights", the Commission condemned unequivocally all violent acts and activities that infringed upon human rights and fundamental freedoms, democracy, tolerance and pluralism. Many non-State actors were currently resorting to violence in the guise of exercising ethnic, religious and linguistic rights. Such groups often displayed a lack of tolerance and were adverse to pluralism. The Commission should attach the highest priority to the effective promotion of the values of democracy, pluralism and tolerance. It should be wary of groups that ostensibly promoted minority rights and called for redress of minority grievances but in reality were agents of organizations which aimed to

threaten the integrity of sovereign States and destabilize multicultural societies, with a view to achieving ethnic or religious hegemony over others.

61. The report of the Working Group on Minorities on its second session (E/CN.4/Sub.2/1996/28) contained many important elements which merited the Commission's attention. Regarding the definition of minorities, he noted that paragraph 132 stated that, in view of the understanding reached by the Working Group entrusted with the elaboration of the Declaration, the right of peoples to self-determination did not extend to minorities, and that the observer for Finland had referred to the risk of granting too extensive rights to minorities, which could lead to discrimination (para. 161). Another issue of importance which merited further consideration was that of contacts and ties established across frontiers, and the impact of such ties on the full enjoyment of ethnic or linguistic rights - not only of minorities, but also of apparent majorities that suffered from a minority complex.

62. The Working Group had recommended (para. 209) the collection of more substantive information on national recourse and reconciliation machineries, in particular on how such mechanisms had been established and how they functioned. Sri Lanka had decided in August 1996 to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, which would enable all citizens who believed their rights had been violated, including those covering the rights of minorities and religious groups, to avail themselves of measures outside national jurisdiction as a final resort. In addition, the office of Parliamentary Commissioner for Administration (Ombudsman) had been established. He was responsible for investigating and reporting upon complaints or allegations formulated by citizens, including members of minorities, for infringements of their fundamental rights committed by public officers or representatives of other State authorities. The Human Rights Commission of Sri Lanka had been officially inaugurated on 17 March 1997 and its composition was in conformity with the law by which it had been established, according to which members of the different groups constituting Sri Lankan society must be represented on it. Those measures were recent ones, but the Constitution in any event guaranteed the fundamental rights of all the minorities of Sri Lanka, including the right to use their own languages, to practise their religions freely and to apply their own laws pertaining to marriage and inheritance as well as to follow their own customs. His Government hoped that the constitutional provisions in force and those envisaged in the draft amendments together with the recent measures it had adopted would go a long way to realizing the full enjoyment of the rights of minorities in Sri Lanka.

63. Mr. GHANAVI (Observer for the Islamic Republic of Iran), speaking on agenda item 19, said that the trend towards religious intolerance continued to grow. A striking example was the Islamophobia of certain Western countries. Islam and its followers had become the main target of some Western intellectuals who were desperately trying to revive old animosities dating back to the Crusades. At the practical level, Muslims, who were often labelled fundamentalists, were subject to unacceptable political and religious restrictions. Politically, they were perceived as a security threat, and that justified violence against them and their property. Even though their right to profess or practise their own religion was recognized, they were frequently deprived of their other rights, including the right to education. The Western

media contributed to the anti-Muslim fervour by dramatizing every possible incident, in order to attract more readers or viewers. The situation of Muslim minorities in the West was of great concern; whereas there was an established mechanism for anti-Semitic sentiments, there was nothing to protect the rights of Muslim minorities. Surprisingly, it seemed that the numerous international instruments for the protection of minorities could not be applied to Muslim minorities in the West because of the existing prejudices against them.

64. His delegation had studied with interest the report of the Special Rapporteur on religious intolerance (E/CN.4/1997/91), and considered that its conclusions and recommendations represented a piecemeal approach to the question of religious freedom and religious intolerance. The Special Rapporteur seemed to view religion as the main source of intolerance; in so doing, he ran the risk of providing a theoretical argument in favour of intolerance of religion. His delegation hoped therefore that the Special Rapporteur would address that phenomenon in detail in his next report.

65. Mr. EGÜZ (Observer for Turkey) said that the problems faced by migrant workers were of great concern, as millions of people were living without proper legal protection. Three million Turkish citizens currently lived outside their country; 80 per cent of them wished to stay in their respective host countries and become an integral part of the societies in which they lived.

66. As the representative of the International Labour Organization (ILO) had said under agenda item 13, discrimination against migrants was widespread, particularly in the workplace, where it impeded their access to the labour market and their social integration. It was vital, therefore, that action should be taken to outlaw that type of discrimination, as the marginalization and exclusion of migrant workers could not but reinforce xenophobic tendencies among the national population of the host countries and result in a sub-optimum use of human resources.

67. The essence of the problem lay in the status of migrant workers, who were still considered by their host countries to be mere "foreigners". In order to address that problem, the host countries should pursue policies not of assimilation, but of integration, which meant allowing migrant workers to participate in the political, social and cultural life of the host country and giving them the right to vote and become candidates in local elections. The facilitation of dual citizenship was yet another tool for their integration, one which Turkey had accepted in 1981 by amending its nationality laws. Unfortunately, just the opposite tendency could be observed on the part of many host countries. In Germany, for example, on 15 January 1997, the Government had introduced new legislation which required children under 16 whose parents were Turkish and resident in Germany to obtain a visa or a special residence permit. That law, which would affect an estimated 800,000 children who had been born in Germany and lived there for most of their lives, would not promote the integration of Turkish migrant workers into German society.

68. Migrant workers were also the targets of racism and xenophobia, which were currently on the rise in western Europe and were frequently the outgrowth

of discrimination based on race and ethnic background. As migrant workers were excluded from the mainstream of societies, they increasingly became the targets of those phenomena. The international community should make every effort to remedy those complex problems and promote democracy, human rights and pluralism.

69. Mr. NÁRAY (Observer for Hungary), speaking on agenda item 17, said that the recent tragic conflicts in Europe and other continents had clearly demonstrated how the violation of minority rights could undermine the stability of entire regions and pose a serious threat to international peace and security. Fortunately, a number of pluralist and genuinely democratic societies recognized that respect for minority rights was a precondition for the normal functioning of a State and not only observed the rights of minorities but created conditions conducive to their expressing, preserving and developing their identity. It was clear that, in a truly democratic society, the State must function for the benefit of each and every citizen, irrespective of his or her origin, and that a spirit of dialogue and tolerance served the interests of the entire country.

70. His Government was convinced that the existence of minorities in any country, provided their rights were observed, was an important economic, social and cultural asset for the benefit of the whole country and did not constitute a threat to the integrity of the State. It was in that spirit that Hungary had recently concluded treaties with Slovakia and Romania that included important provisions for the promotion and protection of the rights of minorities; those provisions were already being applied with respect to Romania, and would shortly be applied with respect to Slovakia.

71. At the international level, the 1992 adoption by the General Assembly in 1992 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which provided for global minimum standards of minority rights, was an early indication of the growing importance attributed by regional and international forums to minority issues. A second important step had been the establishment in 1995 of the Sub-Commission's Working Group on Minorities. His delegation particularly welcomed the fact that representatives of minorities had had the opportunity to express their views during the Group's two sessions, which lent more credibility to its work. It was pleased that, at its second session, the Working Group had concentrated on identifying specific solutions to minority-related problems, rather than sinking into hopelessly theoretical debates. It fully supported the idea of collecting information on constitutions and legislation and their implementation, and encouraged the Working Group to follow the recommendations of its Chairman, Mr. Eide, namely, to explore ways of setting up and strengthening monitoring mechanisms at the national, regional and international levels. While acknowledging the significance of and usefulness of the Working Group, his Government remained convinced of the need for the Commission to appoint an expert or representative with a mandate similar to those of the rapporteurs on thematic procedures, to study the minority question in depth.

72. The Commission's activities in the area of the protection of the rights of minorities could and should be supplemented by the monitoring functions of the treaty bodies, such as the Committee on the Elimination of Racial

Discrimination and other thematic and country-oriented mechanisms of the Commission. The High Commissioner for Human Rights also had an indispensable role to play in the early identification of failure to respect the rights of minorities and inadequate protection thereof, thereby preventing the occurrence of more serious abuses. The entire United Nations system should devote more attention to the complex issue of national and ethnic minorities. His Government was willing to cooperate in the search for solutions.

73. Mr. VIGNY (Observer for Switzerland) said he was pleased to note that the second session of the Working Group on Minorities had been attended by a large number of participants from far and wide. The Working Group was an informal and privileged forum for the exchange of information on the situation of minorities and cooperation between specialists seeking solutions to disputes opposing States and minorities.

74. The Working Group had adopted several vital recommendations, one of which was aimed at determining the object, content and scope of articles 2, 3 and 4 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which should subsequently enable follow-up mechanisms to be established for State implementation of that instrument. He welcomed the forthcoming organization of a seminar on intercultural education, which should contribute to identifying key elements in cultural integration, as opposed to cultural assimilation, and to identifying positive measures for implementation in that field. Other donors should contribute to the seminar's financing, which had not yet been assured.

75. The implementation of the Working Group's recommendations required close collaboration between the Group and the Commission's thematic mechanisms, as well as the treaty-monitoring bodies, specialized agencies and regional organizations. As part of the implementation of the programme on the protection of persons belong to minorities, the prevention and rapid-intervention activities for dealing with situations involving minorities which called for urgent action should also be strengthened. States should provide the treaty-monitoring bodies with specific information, both legal and factual, on the protection and promotion of the rights of persons belonging to minorities, in accordance with the relevant articles of the two International Covenants on Human Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 29 and 30 of the Convention on the Rights of the Child.

76. His delegation hoped that the Working Group on Minorities would have its mandate renewed with enough time for it to meet again under the best possible circumstances in 1998 and once a year thereafter, at least in 1999 and 2000.

77. Mr. MOUSSAEV (Observer for Azerbaijan) said that the legitimate concern to protect minority rights should not result in tolerance of aggressive manifestations of nationalism, separatism and religious and political extremism, which could also lead to terrorism. It was unacceptable that, in the name of self-determination, some ethnic groups were depriving the majority population, as well as other ethnic groups, of their right to self-determination. Honouring all separatist demands was certainly not the best way to strengthen international peace and security. To diminish ethnic tension, it was better to establish truly democratic political systems in

which all citizens, including those belonging to minorities, could be duly represented, and to ensure respect for the fundamental rule of peaceful coexistence embodied in the Charter.

78. Article 8, paragraph 4, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities stipulated that none of its provisions could be construed as permitting any activity contrary to the purposes and principles of the United Nations, including the sovereign equality, territorial integrity and political independence of States, which meant that members of minorities should recognize and respect their duties towards the rest of society and abstain from propaganda or inciting acts of violence.

79. To the extent possible, situations involving minorities should be settled peacefully and constructively by giving minorities the ability to exercise their rights in the educational, linguistic and cultural domains and, possibly, by giving them some degree of autonomy within the State. In that connection, he welcomed the statement made by the then Chairman of the OSCE at its Lisbon summit on the settlement of the armed conflict in and around the Nagorno-Karabakh region of Azerbaijan. That statement reaffirmed three principles recommended by the Minsk Group and supported by all OSCE member States, with the exception of Armenia, namely, respect for the territorial integrity of Armenia and Azerbaijan; granting the highest degree of self-rule to the Nagorno-Karabakh region of Azerbaijan; and the need to guarantee security for the region and its whole population, including mutual obligations to ensure compliance by all parties with the provisions of the settlement. The OSCE activities aimed at achieving a peaceful solution to the conflict had been fully supported by the General Assembly at its fifty-first session (res. 51/57). His Government considered that the Lisbon decision marked an important contribution to a peaceful solution to the conflict, based on respect for the territorial integrity of Azerbaijan as well as the promotion of human rights and fundamental freedoms of all persons, including members of ethnic minorities.

80. Mr. DOUVOS (Observer for Greece) said that his country was deeply respectful of religious freedom in all its forms, and religious freedom was included in the Constitution. Every year, Greece was a sponsor of the General Assembly resolution on the elimination of all forms of religious intolerance and would shortly ratify the International Covenant on Civil and Political Rights, article 18 of which dealt with freedom of conscience and religion.

81. Consequently, he wished to focus his statement on the observations made by the Special Rapporteur on religious intolerance following his visit to Greece in June 1996 (A/51/542/Add.1 and E/CN.4/1997/91, paras. 46 to 51).

82. The concept of "known religion" appearing in article 13 of the Greek Constitution was not, as the Special Rapporteur seemed to think, a manifestation of religious intolerance, but a way of distinguishing between religious beliefs expressed in public and dogmas or sects whose practice was secret and which could prove dangerous. Article 18 of the Covenant called for the possibility of limiting freedom of religion if that were necessary to protect public order. There was also no reason to take umbrage at the fact that the Orthodox Church was recognized as the "dominant religion", since the

Special Rapporteur himself had acknowledged that a, "State religion is not in itself contrary to the international instruments". Article 3 of the Constitution merely reflected an objective reality, namely, that the Orthodox religion was that of the overwhelming majority of the population.

83. The Special Rapporteur was particularly concerned by the legislation on proselytizing. The legislation penalized proselytizing fraudulently and, as the European Court of Human Rights had recognized, was aimed at protecting religions against ill-intended interference and not at restricting freedom of religious education.

84. As for the legislation on places of worship, the building permits to which the Special Rapporteur referred were not issued in a discretionary fashion by the administration: the administration simply verified that the conditions required by the law were met in each instance. His Government would do its utmost to remedy the slowness of the administrative procedures to which the Special Rapporteur had drawn its attention.

85. As to the situation of the religious communities, the general conclusion of the Special Rapporteur that "the Catholic, Protestant and Jehovah's Witness minorities are confronted to varying degrees with a general climate of intolerance" seemed to be disproved by several positive observations concerning, for example, the freedom of religious publications and of the Catholic and Protestant religions. Members of the Catholic, Protestant and Jewish communities, as well as the Jehovah's Witnesses, had the same rights and obligations under Greek law as other Greek citizens and were perfectly free to practice their religion as long as it did not disturb public order.

86. As for the Muslim minority in Thrace, his delegation welcomed the Special Rapporteur's recommendation that the parties concerned should comply with their international commitments under the Treaty of Lausanne.

87. Mr. HASSAN (Observer for Sudan) said that he had read with interest the report of the Special Rapporteur on religious intolerance, particularly paragraphs 52-55, which concerned his country.

88. The Sudan was a vast country where a large number of cultures and ethnic groups mixed together. Muslims, Christians and animists coexisted in a climate of complete tolerance, aided by a federal system which allowed the 26 Sudanese states to enjoy a certain degree of autonomy and to choose their own development options. All the regions and groups therefore felt themselves members of a single nation and recognized the need to share authority and to respect common rules to ensure the well-being of each and every individual. Although Arabic was the official language, English was also widely spoken, and the Government was not opposed to the propagation of local dialects or to their being taught at school.

89. Freedom of religion and non-discrimination were guaranteed by law, and incitement to hatred between groups was repressed by the criminal law. The Government, which fully respected the various dogmas, had decided not to apply the Shariah to non-Muslims, in particular to the Christians and animists living in the south of the country. The Christian religion was taught in complete freedom in Christian schools, and several churches were being built.

90. His Government thus considered that the statements made by some foreign States and NGOs that the troubles occurring in the south of the country were in reality a religious war between Christians and Muslims were nothing but partisan interpretations aimed at damaging the integrity and territorial unity of the Sudan. That "war" was in fact sponsored from abroad, as demonstrated by the many attacks carried out against the country's southern and eastern borders. As to the political agreement signed with several rebel factions of the south and of the Nuba Mountains, it was both an expression of popular will and the culmination of a long tradition of tolerance, which was one of the characteristics of the Sudanese people.

The meeting rose at 1.10 p.m.



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SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 3.20 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1997/65)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 17) (continued) (E/CN.4/1997/82 and 83; E/CN.4/Sub.2/1996/2 and 28; A/51/536)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 19) (continued) (E/CN.4/1997/91 and Add.1; E/CN.4/1997/NGO/19; A/51/542/Add.1 and Add.2)

1. Mr. BOHR (International Organization for the Development of Freedom of Education) said that, while the Commission's increased focus on minority rights was welcome, the approach to minority issues was still largely negative and minorities were too often seen as a problem. Cultural and religious diversity was feared as a potential source of conflict.

2. The traditional European model of the nation-State had been based on the maintenance of religious and cultural uniformity. That model must be questioned in terms of its compatibility with human rights, and the right to education must not become a pretext to use the educational system as a means of social control. Instead, attitudes towards minorities should be based on the fundamentally different premise that diversity was a source of creative enrichment and social progress.

3. Education should foster mutual understanding; merely grouping people together was not enough to engender tolerance. Education must be pluralistic and geared to helping each individual discover his or her own identity. Most countries' educational systems were anti-democratic since they did not incorporate freedom. The tension between unity and diversity could become a healthy one if civil society was allowed to play a central role in managing and designing education and if education truly promoted tolerance and respect for others.

4. Ms. PARKER (International Educational Development, Inc.) said that many of the current wars and near-wars involved the use of religion for political purposes. The reports of the Special Rapporteur on the question of religious intolerance (E/CN.4/1997/91 and Add.1) cited isolated incidents in some of those countries without discussing the underlying wars or the political manipulation of religion.

5. The Special Rapporteur had not, in fact, addressed the struggle of the Moluccan people against Javanese rule. In response to renewed efforts to resolve the situation, Indonesian authorities were encouraging the migration of Muslim Javanese into Moluccan areas by granting them special privileges. Those migrants had fomented violence against the Christian Moluccans and tried to sow discord between Christian and Muslim Moluccan villages, which had coexisted peacefully for centuries. Moreover, a genocidal birth-control policy sought to limit Christian Moluccan births, as part of Indonesia's strategy to divide and conquer.

6. In the war between Kashmir and India, the problem was not Islamic fanaticism, as the Government of India asserted, but India's refusal to implement the series of Security Council resolutions calling for a plebiscite on the status of the territory. Despite the Indian Government attempts to pit non-Muslims against Muslims in Kashmir, the political leadership of the territory had recently established a council which included many non-Muslims. She welcomed the renewed efforts of the United States and of the new Secretary-General to resolve the conflict, and hoped that the Commission would strongly support them.

7. A bill had been submitted to the United States Congress on violations of religious freedom in China, perpetrated inter alia through ethnocidal Chinese policies that manipulated religion in Tibet. The bill, whose example should be followed by other Governments and United Nations bodies, would deny travel documents and government funds to the parallel organizations that usurped the role of legitimate religious leaders and organizations.

8. Lastly, the Special Rapporteur could become more effective by analysing the context of situations of religious intolerance and alerting the international community to situations that were leading to war.

9. Ms. OLGUIN (International Indian Treaty Council) said that the religions of indigenous peoples were inextricably tied to their ancestral homelands. International monitoring and mediation were urgently needed, owing to the failure of colonial nation-States to enforce basic human rights standards with respect to indigenous peoples.

10. The peaceful attempts of the Aazhoothenoo of Ontario, Canada, to reclaim their original ceremonial and burial grounds had been met with violence and repression from government officials, who had even murdered one young tribal member. In Guatemala and Mexico, military installations and the tourist industry continued to bar indigenous peoples' access to their sacred sites. At the newly excavated sites of the pyramids in Teotihuacán, Mexico, the construction of a shopping mall was being promoted with government funding.

11. The representative of the United States had asserted that that country enjoyed a high level of religious tolerance because its founders had fled Europe in search of religious freedom. However, the indigenous peoples of the United States knew the other side of the story all too well, having been engaged in a legal battle for years to protect their religious freedom.

12. It was essential that indigenous peoples should have access to the United Nations at a time when domestic forums were unresponsive.

13. Mr. WATCHMAN (International Indian Treaty Council) said that most families of the Dineh nation and the Navajo Nation Tribal Council had rejected an "accommodation agreement" proposed by the United States Government because it would effectively prevent future generations from maintaining the traditional Dineh religion. They had been informed that, if they did not accept the terms of the agreement, they would be subject to forcible removal as from 31 March 1997.

14. He asked the Commission, therefore, to endorse formally resolution 1996/36 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which emphasized the spiritual connection that indigenous peoples had with the land and recommended that the Special Rapporteur should explore the situation of indigenous peoples whose ability to practise their religion freely had been impaired.

15. Mr. CHOEPHEL (United Towns Agency for North-South Cooperation) said that China had initiated a number of repressive measures in recent years to curtail religious freedom in Tibet. Because Tibetan Buddhist monks and nuns were vocal supporters of Tibetan independence, many of them had been imprisoned, tortured or killed. Thousands had fled to Nepal and India to seek education in monasteries and nunneries established by Tibetan refugees.

16. In 1993, documentary evidence had been found of China's policy of giving only limited news coverage to religious issues within Tibet, while providing wider coverage for foreign audiences as a public-relations ploy. In 1994, the Chinese authorities had publicly ordered a halt to the spread of Buddhist institutions, as well as a campaign against the Dalai Lama himself. In 1995, they had interfered in the ancient religious process of Tibetan Buddhism when the Dalai Lama had recognized the eleventh Panchen Lama, and, in 1996, they had conducted "patriotic re-education" sessions in which Tibetan monks and nuns had been ordered to denounce Tibetan independence, the Dalai Lama and the eleventh Panchen Lama. In November 1996, China had taken further steps to suppress Tibetan Buddhism, inter alia through censorship of art and literature.

17. His organization thus appealed to the Member States of the United Nations to stop the cultural genocide in Tibet.

18. Mr. LOREDO (International Association of Educators for World Peace) said that, in 1991, the Cuban authorities had decided to define Cuba as a secular State rather than an atheist one and to allow religious citizens to join the Communist Party and hold public office. Nevertheless, the constitutional guarantee of religious freedom in Cuba was thwarted by other legislation, including other provisions of the Constitution itself, while the Penal Code included the novel offence of abuse of religious freedom, such as opposing the Marxist objectives of education, and made unlawful association a punishable offence. It should be noted, in that connection, that any association not having prior permission, which was very hard to obtain, was considered an unlawful one.

19. Another disturbing sign of intolerance and discrimination against religion was the ban on the construction of new churches and the persecution of prayer groups in private homes.

20. Mr. J.A. FERNÁNDEZ (Cuba), speaking on a point of order, said that the same people were representing two different non-governmental organizations (NGOs) at the Commission's current session. He asked whether that violated the rules of procedure concerning NGO participation, and wondered whether the persons concerned had invented non-existent organizations in order to use the Commission for unscrupulous purposes.

21. The CHAIRMAN said that he saw no contradiction between the rules of procedure and an individual's representation of more than one NGO. The speaker's credentials were in order.
22. Mr. J.A. FERNÁNDEZ (Cuba) said that the relevant rules, as contained in Economic and Social Council resolution 1996/31, were clear and that he had asked for a legal opinion, not the personal viewpoint of the Chairman. The Commission should take note of anomalies in the participation of NGOs with dubious backgrounds and activities.
23. The CHAIRMAN said that no rule had been violated and that he had made a personal ruling in his capacity as Chairman.
24. Mr. DLAMINI (Observer for Swaziland) said that delegations should use their right of reply to articulate their views. NGOs did not enjoy the same status as Member States in the Commission and although they had a role to play, they must not be allowed to throw stones at Member States. In the future, NGOs must be thoroughly screened to prevent a recurrence of the current situation.
25. The CHAIRMAN said that he would never deny the right of reply and that any delegation was free to disagree with any statement. With respect to the point of order raised, however, the accreditation of the speaker in question was in order.
26. Mr. LOREDO (International Association of Educators for World Peace) said that, although the establishment of the Department of Religious Affairs in 1988 had facilitated relations between the Cuban Government and the churches, the latter still had to negotiate laboriously for their rights, which were not recognized by the prevailing system. Churches still did not have access to the communications media; in 1995, the Government had banned the sale of printing or communications equipment to churches. The establishment of parochial schools was prohibited, and few members of religious orders were allowed to enter the country. The teachings and actions of priests and ministers were closely scrutinized.
27. The extremely difficult situation of the Jehovah's Witnesses had eased somewhat, but State repression of the members of the various churches had increased in the first half of 1996. Religious practice was on the increase in Cuba, as people became less fearful of religious persecution, but repression had become more subtle, partly as a result of the pragmatic policy of self-censorship or silence adopted by the churches themselves.
28. He hoped that the Pope's projected visit to Cuba in January 1998 would give a new impulse to the long-held desire of the Catholic Church and others for reconciliation and peace.
29. Mr. WAREHAM (International Association against Torture) said that it was clear from the report of the Working Group on Minorities (E/CN.4/Sub.2/1996/28) that there was no consensus on the definition of the terms "minority" and "national minority". Blacks had generally been regarded as a minority in the United States, but incontrovertible statistics and

analyses demonstrated that there were two separate and unequal nations, one black and one white, within the geographical boundaries of the United States. Poverty and infant mortality rates were far higher, and life expectancy lower, among the black population; a disproportionate number of African men were incarcerated; two thirds of the land owned by blacks in 1910 had passed into the hands of whites; and black churches were being burned down.

30. There was a thin line between racial and national discrimination, as revealed by the recent debate over "Ebonics", a language spoken by many black people in the United States. The suggestion that standard (United States) English should be taught to blacks as a second language was strongly resisted by those who realized that the recognition of Ebonics would lend weight to the view that Africans in the United States had developed into an independent nation. Clearly, then, the protection of the rights of national minorities must start from a factual analysis of their actual status in society.

31. Ms. YRGAARD (Women's International League for Peace and Freedom) said that migration had to be examined in conjunction with the process of international economic liberalization, which had freed flows of capital, investment, communications and technology without freeing flows of labour. Moreover, the economic situation left many people with little choice but to migrate in order to survive.

32. Economic globalization did not relieve the sending and receiving States of their responsibility to protect the rights of migrant workers. Sending States must provide them with better education and information before they left home and improved consular services once they arrived in the foreign country. Receiving States must work to prevent discrimination against migrant workers, protect their fundamental human rights, help them maintain their culture, religion and identity, and protect them from exploitation and sub-standard working conditions.

33. All States that had not yet done so should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which focused on migrant workers as human beings rather than as a source of labour. Governments should also be addressing the root causes of increasing racism and xenophobia in their countries rather than imposing more restrictive entry requirements on migrant workers.

34. She urged the Centre for Human Rights to turn its attention to violence against migrant women, the rights of undocumented workers and the implementation of anti-discrimination policies relating to migrant workers. She also called on the Commission to adopt a resolution recommending to the General Assembly that a world conference on racism be held in 1999.

35. Mr. ALI KHAN (World Peace Council) said that the founding fathers of democratic movements in many developing countries emerging from colonialism had seen true democracy as the best defence against bigotry and intolerance. Unfortunately, a dangerous new form of religious bigotry, one backed by guns, had emerged. It was relatively easy to identify States which institutionalized intolerance, but it was more difficult to hold accountable

those violators of religious freedoms who recognized no borders and reappeared under different names, claiming superiority for their particular brand of religion by force of arms.

36. Extremist armed groups were the real threat to religious tolerance. In the name of religion, they had killed Kashmiri Pandits, attacked Shiites, and persecuted Ahmadiyas and Christians. He called for a protocol that recognized the problem and proposed that measures to combat it should be added to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

37. Ms. JOICE (International Progress Organization) said that intolerance was not inherent in religions but that religion and belief were exploited for divisive political purposes. Institutionalized prejudice was especially dangerous, as it inevitably led to the prosperity of some segments of society and the oppression of others.

38. The founding fathers of Pakistan had reassured religious minorities, especially the Christians and Hindus, that everyone in Pakistan would be free to practise his or her religion. All that had changed when the country's first constitution in 1956 had established it as an Islamic Republic. Since then, civil and criminal law had been progressively Islamicized, in clear violation of the most fundamental human rights.

39. The Blasphemy Law of 1986 had been repeatedly used against Ahmadiyas and Christians; according to it, the evidence of a single Muslim who accused someone of making disparaging remarks about the Prophet Muhammad was sufficient to have that person executed. Hearsay evidence of that sort had even been considered a mitigating factor in the recent brutal murder of a Christian.

40. The Law on Separate Electorates also severely discriminated against minorities by depriving them of full citizenship and the right to vote irrespective of their religion. In short, there was ample evidence, documented by the international media and the Human Rights Commission of Pakistan, that the Pakistan State was sanctioning a consistent pattern of violations of human rights and fundamental freedoms.

41. Mr. SAFI (International Islamic Federation of Student Organizations) said he rejected the thesis that the Muslims living in Indian-held Kashmir were a minority: the Kashmiris were a peace-loving people waiting to exercise their right to self-determination in accordance with Security Council resolutions.

42. Although Muslims had borne the brunt of Indian repression, all religious groups had suffered under the Indian occupation. He had no objections to the resolution on tolerance and pluralism proposed by India at the fifty-second session of the Commission (1996/19), as long as the idea of peaceful coexistence was not used to legitimize the suppression of people in Jammu and Kashmir living under illegal foreign occupation.

43. The Special Rapporteur should be wary of sources inspired by the Indian Government which asserted that the so-called religious situation in Jammu and Kashmir had been brought about by a minority of terrorists. The truth was that religious discrimination was practised there and that the Kashmiri people was united in its rejection of Indian repression. The Indian Government was trying, for its own political purposes, to portray the freedom movement in Kashmir as an extremist religious movement, when in fact it was a movement seeking the right to self-determination in accordance with international law.

44. Mr. MESDAGHI (International Falcon Movement) said that, after years of continuous repression of non-Muslims in Iran, the policy was being extended to Sunni Muslims. Several Sunni leaders and clerics had been abducted and murdered by operatives of the regime, and one had been sentenced to five years in prison for tearing down posters of Khomeini and Khamenei. Such repression and harassment was rooted in the views of Khomeini, who had not recognized Sunni Muslims as citizens with equal rights.

45. Official papers and Friday prayers were used to insult Sunni Muslims in general. The killing of Mowlavi Mohammad Rabi'i, the Sunni religious leader in western Iran, after he had protested against insulting remarks about Sunni leaders made in a television series, had sparked off an uprising in Kermanshah province in November 1996, which had been brutally put down by the regime.

46. After giving some details of the persecution of members of other religions in Iran, including Christians, Baha'is, Muslim Sufis, Jews and Zoroastrians, he urged the Commission to put pressure on the Government of Iran to end that tragic situation.

47. Mr. GALILEE (Observer for Israel) said that his Government took a grave view of recent attempts to rekindle division and hatred between peoples, and called upon all Member States to take active steps to combat them. It welcomed the measures taken by various countries and organizations to combat racism, xenophobia, anti-Semitism and all forms of racial intolerance.

48. Having reaffirmed his Government's desire to achieve a just, lasting, comprehensive and durable peace settlement with the Palestinians, as part of a historic reconciliation between Israel and its Arab neighbours in general, he said that it was appalled at the unrelenting anti-Semitism prevailing in the Arab press, citing a number of instances.

49. It was to be hoped that the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination would bring about a new era where peace would not be limited to political agreements between States but would reflect a state of mind free from racial hatred and religious intolerance.

Statements in exercise of the right of reply

50. Ms. PEREZ-DUARTE (Mexico), having congratulated the Special Rapporteur on his report (E/CN.4/1997/91) and on the methodology employed, said that his references to Mexico were, to say the least, imprecise. Although referring to information and documentation provided by her Government on State initiatives and action to promote reconciliation and respect for the religious freedom of

certain religious minorities in Mexico (para. 36), he had not explained the nature of the problem, thus leaving the impression that her Government failed to respect freedom of conscience, belief and religion. The incidents in question had, in fact, been manifestations of fanaticism between private individuals in a small sector of the population of the south-eastern part of the country, and the local and federal authorities had taken prompt action to ensure mutual respect between the religious groups concerned.

51. Her Government agreed with the Special Rapporteur about the importance of education as a means of combating religious intolerance. Under the Constitution, Mexican State education was lay and required to combat ignorance, fanaticism and prejudice.

52. Mr. STEVCEVSKI (Observer for The Former Yugoslav Republic of Macedonia) said that the constitutional name of his country was the Republic of Macedonia. The resolution mentioned by the observer for Greece fully entitled his delegation to use that name.

53. Mr. MANOUSSAKIS (Observer for Greece) said that the text of Security Council resolution 817/1993 was self-explanatory and could not be interpreted as implying that The Former Yugoslav Republic of Macedonia could be referred to by any other name. Furthermore, the Interim Accord between Greece and The former Yugoslav Republic of Macedonia, signed on 13 September 1995, left open the question of the determination of that Republic's name, thereby proving that The Former Yugoslav Republic of Macedonia recognized the existence of a dispute over its name.

54. Mr. STEVCEVSKI (Observer for The Former Yugoslav Republic of Macedonia) said that Security Council resolution 817/1993 had once again been misrepresented by the observer for Greece. He saw no point in elaborating further.

55. Mr. NAZARIAN (Observer for Armenia), referring to a statement by the observer for Azerbaijan which included a reference to the statement made by the Chairman of the Organization for Security and Cooperation in Europe (OSCE) at the Lisbon meeting of that organization, said that, as the President of Armenia had made clear at the time, Armenia did not accept some elements of the statement in question and would not be guided by those elements during negotiations.

56. The reason for its non-acceptance was that the statement in question failed to reflect the substance of discussions which had taken place during the Minsk process, predetermined the effect of the outcome of the Minsk Conference on the status of Nagorno-Karabakh, and unnecessarily hardened the position of Azerbaijan. A further reason for non-acceptance was that Nagorno-Karabakh had not been represented at the Lisbon meeting.

57. The observer for Azerbaijan had also spoken about the so-called ethnic minority of Nagorno-Karabakh. The fact that Armenians had been and were a majority in Nagorno-Karabakh was well-known, as was the fact that their struggle for self-determination was rooted in past and present suffering and in their aspiration to live in freedom and security.

58. Mr. MOUSSAEV (Observer for Azerbaijan) said that there had never been any such thing as the "Karabakh people". There was an Armenian ethnic minority, just as there were minorities in any other States, and prior to the conflict that minority had enjoyed broad political, economic and cultural autonomy within Azerbaijan. At the same time, there had been over 200,000 ethnic Azerbaijanis in Armenia without their right to self-determination or to autonomy ever being mentioned in that country.

59. Armenia's solution to the problem of self-determination for the Azerbaijanis in their midst had been the simple one of forcible expulsion from the lands on which they had lived for centuries. As a result of such ethnic cleansing, Armenia had become a mono-ethnic State with practically no ethnic or religious minorities. Consequently, it was easy for Armenia to advocate unlimited realization of the right to self-determination.

60. Armenia's position on the statement of the Chairman of OSCE at the Lisbon Summit was contrary to the position of the international community, as reflected in resolutions of the Security Council and General Assembly, as well as in decisions of OSCE and other international organizations.

61. Mr. NAZARIAN (Observer for Armenia) said that, when the people of Nagorno-Karabakh in 1990 claimed its right to self-determination by peaceful and constitutional means, the Azerbaijani authorities had organized and armed a mob to perpetrate massacres of Armenians in Sumgait and other Azeri cities. In 1991, the leaders of the Azeri regime, assisted by the Soviet Army, had organized the depopulation of the Armenian regions of Northern Artzakh and the deportation of the Armenian population of Nagorno-Karabakh and surrounding areas. According to Helsinki Watch, more than half a million Armenians had been affected by those acts of primitive barbarism.

62. Ms. BI Hua (China) said that respect for and protection of normal religious activities had been her Government's consistent policy, and Tibet was no exception. In 1970, the Government had allocated a large sum for the renovation of religious sites in the autonomous region of Tibet, as a result of which more than 1,700 monasteries and nunneries housing 46,000 religious, or more than 2 per cent of the total population of the region, had been renovated and were open to the public. Attempts to use the forum of the Commission to split China were damaging to normal religious activities and would not succeed.

63. In 1995, the eleventh incarnation of the Panchen Lama had been chosen by drawing lots in accordance with established historical custom, the choice being supported by most religious people in the region. Contrary to the allegations made by certain NGOs, the choice had been contested only by a few separatists in exile.

64. Mr. AMOR (Special Rapporteur on the question of religious intolerance) said that he wished to emphasize the high quality of his dialogue with almost all States and NGOs. Dialogue was essential, but it had to be free from accusations, harassment, pressures and threats. In exercising his mandate, he would continue to proceed in an independent and impartial way without any preconceived ideas other than those imposed by the human rights framework of

the United Nations. In that connection, it should be borne in mind that, whereas the freedom of belief was not subject to any limitation, the freedom to manifest one's belief, as interpreted by the Human Rights Committee, could be restricted under certain circumstances.

65. His report to the Commission (E/CN.4/1997/91) was impartial and should not be read selectively. The delegation of Iran should understand that, when he spoke of clericalism, he had in mind both its religious and anti-religious manifestations. With reference to his report on his visit to India (E/CN.4/1997/91/Add.1), he wished to make it clear that, within the time available, he had had contacts with all partners, whether official or unofficial, and even with the general public. Discussions on the topic of his projected visit to the United States were well advanced and the visit seemed likely to take place in the near future.

66. In the past year, considerable progress had been made in developing follow-up procedures. China and Pakistan had made significant contributions to the application of the procedures that had been worked out, and Iran, despite certain difficulties in connection with the Baha'is in particular, was maintaining useful contacts with him. He wished to thank the Governments of those three countries.

67. Another positive development was that States were beginning to submit documents and explanations to him without waiting for allegations to be made concerning them. The advantages of being able to study a situation in a serene and unhurried atmosphere were obvious.

68. In conclusion, he noted with regret that, unlike the phenomenon of religious intolerance itself, the means available to him were diminishing. His next report to the Commission was not to exceed 20 pages in length. Such limitation of the possibilities of fulfilling an important mandate were tantamount to a form of censorship. Because of the financial situation, it would not be possible for him to analyse the 79 replies from States to the questionnaire on education and teaching programmes and manuals or to embark upon an in-depth investigation of other urgent issues, such as the question of religious sects.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION (agenda item 16)
(E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, E/CN.4/1997/76, 77 and Add.1 and 2, 78-81 and 108; E/CN.4/Sub.2/1996/6; A/51/309; A/52/56)

69. The CHAIRMAN invited the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to introduce the Sub-Commission's report on its forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41).

70. Mr. EIDE (Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that the Sub-Commission had responded in several ways to Commission resolution 1996/25. Despite the number of general and specific mandates given it by its parent bodies, it had managed to rationalize its agenda for the 1997 session, reducing the number of agenda

items from 23 to 13, thus facilitating an in-depth study of the items to be considered. In addition, following an address by the then Chairman of the Commission, it had given further consideration to its methods of work.

71. Of the two mandates given it by Commission resolution 8 (XXIII), the Sub-Commission had fully complied only with the first, since guidance from the Commission was needed on action to be taken with regard to the second, namely, that the Sub-Commission should bring to the Commission's attention any situation which appeared to reveal a consistent pattern of gross violations of human rights. The Sub-Commission had, in the past, regularly informed the Commission of such specific situations, but had decided that, at its forty-ninth session, it would take no further action since the situations in question were already under consideration by the Commission.

72. Other elements of the report included the administration of justice and the rights of detainees, in connection with which the Sub-Commission had considered the final report on the question of impunity of perpetrators of violations of civil and political rights (E/CN.4/Sub.2/1996/19) and had requested the Special Rapporteur on the issue to draw up a revised version of the set of principles for the protection of human rights through action to combat impunity. It had also recommended that two of its members should compile and update the important study on the right to a fair trial and a remedy.

73. Economic and social rights had also figured more largely in the Sub-Commission's work. In that context, it had, in its resolution 1996/25, appealed to the world's leaders, meeting in Rome for the World Food Summit in November 1996, to reaffirm the fundamental right to be free from hunger; it was gratifying that the Summit had taken note of that appeal and that, since further work in the field would involve the Food and Agriculture Organization (FAO), a representative of FAO had addressed the Commission at its current session.

74. With regard to minorities and indigenous peoples, the Sub-Commission had requested the Commission to extend the mandate of the Working Group on Minorities for a further two years.

75. The Sub-Commission had also thoroughly reviewed its working methods with regard to the selection of the subjects of studies and the commissioning, number, treatment and time-frame of studies and reports. The results of that review were to be found in annex V to its report. All ongoing studies - five in number - would be completed in 1997 and the Sub-Commission had decided not to propose any new study or report unless it was specifically recommended by a competent working group. Only one new study, therefore, recommended by the Working Group on Indigenous Populations on the subject of indigenous land rights, had been initiated. The Sub-Commission would thus have the opportunity to discuss its study programme in depth.

76. He hoped that the Commission would recognize the efforts made by the Sub-Commission to rationalize its work in order to achieve the common goal of advancing human rights everywhere, while enhancing complementarity and avoiding duplication in its relations with the Commission.

77. Ms. VOHRA (Observer for the International Organization for Migration (IOM)) said that trafficking in women differed from other forms of migrant trafficking because it was both a gender issue and an abuse of basic rights. The problem had reached global proportions as women were being trafficked, around the world to be forced into prostitution or held in slavery-like conditions.

78. Her organization was committed to bringing the problem to the forefront of international attention as one of the most potentially dangerous forms of violence against women migrants and to providing support to some of its victims. In addition to organizing international and regional seminars on the topic, it provided technical cooperation for the establishment of effective migration systems.

79. A series of rapid research studies on trafficking in women for sexual exploitation in Western and Central Europe had been in progress since 1995 under IOM's Migration Information Programme, and the geographical scope of research was currently being expanded to include the Caribbean and South-East Asian regions. Information dissemination programmes were being conducted in countries of origin and a quarterly newsletter focused on issues relating to trafficking in women was being published.

80. IOM was also providing case-by-case assistance to migrant women vulnerable to abuse and women who had been trafficked, to enable them to return home in dignity and safety. Two pilot projects for the return of trafficked Chinese, Cambodian and Vietnamese women and children from Thailand, where they had generally been forced into prostitution, had been launched.

81. Mr. LOGAR (Observer for Slovenia), speaking also on behalf of the delegations of the Czech Republic, Poland and Slovakia, said that, thanks to the International Workshop on Minimum Humanitarian Standards (E/CN.4/1997/77/Add.1), the issues surrounding a declaration of minimum humanitarian standards had been clarified. Noting that the idea of a declaration had received the support of all OSCE members and that the International Criminal Tribunal for the former Yugoslavia had specifically referred to the Turku Declaration on Minimum Humanitarian Standards, he said that international human rights law, and humanitarian law as a whole, had generated a "grey area" with regard to the applicability of basic standards of humanity in certain situations, where they were often most desperately needed.

82. Most human rights treaties provided for derogations from a number of human rights standards at times of public emergency threatening the life of the nation. That left too large a margin of doubt as to whether or not a public emergency should be proclaimed and, since the Second World War, proclamations of states of emergency had become a regular practice, going far beyond the actual needs of the situation.

83. International supervision of such proclamations was still very weak and many States had not ratified major international human rights treaties. Thus a substantial part of the world community was deprived of the benefits of fundamental humanitarian standards. The existence of disputes and ambiguities

regarding the applicability of humanitarian standards in a growing number of States in which civil order had collapsed reaffirmed a need for an international declaration on the matter.

84. Such a declaration would confine itself to the core of irreducible standards, constituting the lowest common denominator, from which there could be no derogation whatsoever. The aim was not to set new standards but to reaffirm the most fundamental rules for their applicability in any situation. Minimum standards would have to be respected by all: in situations of internal armed conflicts, problems often arose with regard to entities other than Governments which considered that they were not bound by such rules. A declaration would be a promising step forward in strengthening the protection of the innocent and vulnerable in situations of violence not covered by international humanitarian law and would remedy the existing uncertainty and ambiguities.

85. The delegations whose spokesman he was recommended that the Commission request the Secretary-General to undertake an analytical study on minimum humanitarian standards and consider convening an open-ended seminar under the aegis of the Commission.

86. All member States could surely support further study of the question of ensuring fundamental standards of humanity in any situation of unjustified and disproportionate violence; it would in no way constitute interference in matters within the internal jurisdiction of States. Democracy, development and respect for human rights would not be achieved unless minimum humanitarian standards were applied in all situations.

87. Ms. SPALDING (International Association of Educators for World Peace) said that action by the Commission at its current session might well determine whether persons with disabilities would gain increased access to human rights. There were officially over 500 million people in the world with disabilities, but everyone experienced a disabling time at some point in life.

88. Her organization had been encouraged by the understanding of some member States, notably Ireland, Canada and Sweden, the last of which had supplied the Special Rapporteur on disability of the Commission for Social Development, whose report on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities was before the Commission on Human Rights (A/52/56). Such monitoring would lay an essential foundation for the promotion of human rights and for real redress through existing mechanisms and possible future ones. It was the view of her organization however, that a joint special rapporteur should be assigned to serve the two Commissions.

89. Ms. PARKER (International Educational Development, Inc.) said that, when the needs of those injured or disabled in war were not fully met, as in the case of the Gulf War, a double violation took place. The use by the United States of weapons containing depleted uranium in that War had resulted in thousands of people in Iraq being newly disabled, while the discards created a massive problem of radioactive pollution.

90. Iraqi civilians had suffered exceptional disability rates from those weapons: abnormally high rates of cancer and kidney disease and abnormally high numbers of children born with missing limbs and other congenital defects. United States and British military personnel and their children had had similar problems. The medical situation in Iraq was such that the continuation of sanctions clearly violated international law, especially where they affected medical care.

91. While appreciating the efforts made to define minimum humanitarian standards, she noted that the International Court of Justice had ruled that humanitarian standards were applicable by all parties in all wars and that countries were obliged to comply with the full array of human rights. Rights that were non-derogable had the force of jus cogens and applied to all States at all times. As the comments of the Friends World Committee for Consultation (Quakers) (E/CN.4/1997/77, chap. III) made clear, the problem lay more with compliance than with any lack of binding standards.

92. Slavery presented a particular problem in Myanmar. The State Law and Order Restoration Council (SLORC) forced villagers to carry military material for use against local people, mostly those belonging to ethnic nationalities. SLORC relied heavily on enforced portage and labour to construct housing, roads and the new petroleum pipeline. Many people died of exhaustion, malnutrition or torture.

93. That situation required special and urgent attention, but the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was experiencing extreme difficulties owing to lack of funds. It was imperative that States should contribute to the Fund and that its Board of Trustees should maintain its independent character.

The meeting rose at 6.05 p.m.